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Third Session, 1938

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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Third Session.)

Volume LII—No. 6.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

The ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 29th March, 1938, at 6 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. Azizul Haque, C.I.E.) in the Chair, eleven Hon'ble Ministers and 233 members.

Oath.

The following gentleman made the oath or affirmation of his allegiance to the Crown:—

Khan Bahadur Muhammad Anwarul Azim.

Mr. SPEAKER: I will now take up the questions of the 26th March which yet remain to be answered. We begin from No. 301.

Dr. NALINAKSHA SANYAL: One minute, please, Sir. Did we not stop at 209 the other day if I am not mistaken?

Mr. SPEAKER: So far as I remember question No. 300 was finished, but I will look into the proceedings of that day, to see if No. 300 was finished or not.

STARRED QUESTIONS

(to which oral answers were given)

Removal of the images of the Sun and the Basudev from the village Sarala, Dinajpur.

*301. **Mr. NISHITHA NATH KUNDU:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that one stone image of Sun and one of Basudev along with many others in village Sarala in police-station Kasamandi in Dinajpur were used to be daily and regularly worshipped from a long time by a large number of people,

(*ii*) that the two images of the Sun and the Basudev were removed on the night of the 16th *Agrahayan* last; and

(*iii*) that one officer of Babu Nrisingha Charan Nandy, *zamindar*, within whose *zamindari* the place of worship is situated, lodged a first information report at the Kasamandi thana on the 18th *Agrahayan* last?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, has any investigation been made by the police and, if not, why was no investigation taken up as yet?

(*c*) Is the Hon'ble Minister also aware that two persons in European costume on horseback were seen near the place of worship on the night of the occurrence?

(*d*) Are the Government considering the desirability of taking steps in the matter?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) It does not appear to be a fact that the images had been regularly worshipped for a long time.

(*ii*) Yes, on the 1st December, 1937.

(*iii*) Yes, on the 4th December, 1937.

(*b*) The fact was circulated among the *chaukidars*.

(*c*) Two persons wearing shorts and shirts were seen.

(*d*) No.

Mr. DHIRENDRA NATH DUTTA: Will the Hon'ble Minister be pleased to state what, according to his information, is the period of time during which the image is worshipped?

The Hon'ble Khwaja Sir NAZIMUDDIN: About a year, but not continuously.

Dr. NALINAKSHA SANYAL: Is it a fact that no action was taken by the police in spite of information in their possession that 2 European-dressed gentlemen were there, because these two gentlemen were the guests of the District Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to submit that in the question there is no reference made to any European gentlemen.

Dr. NALINAKSHA SANYAL: In reply to question (*c*) as to whether the Hon'ble Minister is aware that 2 persons in European costume on horse back were seen near the place of worship on the night of the occurrence, the reply has been given that 2 persons wearing shorts and shirts were seen. My question is whether, in spite of the fact that these two persons were specifically pointed out as probable miscreants, the police did not take any action because they came from the house of the then District Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, that is not correct.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether any inquiry was made as to why further action was not taken by the police in this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because, apart from the simple fact that the description was given that two such persons were seen, there was no other description from which they could be traced.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the police took adequate steps to find out the culprits?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Detenus.

***362. Mr. NARENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that restrictions still exist upon a large number of detenus

under sub-section (*I*) of section 2 of the Bengal Criminal Law Amendment Act, 1930, by which they are subject, among many other conditions, to the following, namely:—

(*i*) that they shall remain within the limits of the Presidency of Bengal;

(*ii*) if they intend to leave their respective stations and to go to another district they shall have to report their intention seven days in advance to the officer-in-charge of their respective thanas and also to the Superintendent of Police of their respective districts; and

(*iii*) they shall hand over all correspondence received or issued by him, except that of a purely business character?

(*b*) Is it a fact that penalty for disobedience is imprisonment which may extend to seven years and also fine?

(*c*) Is it a fact that the recently released detenus are not under any such restrictions?

(*d*) Is it a fact that the restrictions have been imposed upon many of those who were previously released?

(*e*) If so—

(*i*) what are the reasons for the differential treatment; and

(*ii*) whether the Government are considering the desirability of withdrawing those restrictions?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*d*) Government have been reviewing such cases with the result that release or relaxation orders have already been passed in all except nine cases which remain for review.

(*e*) In view of the facts stated above, this does not arise.

Mr. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state who are the nine persons whose cases are still under review?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state what are the relaxation orders which are still in existence upon many of these prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: The relaxation orders will be found in 2 (*a*), (*b*) and (*c*) and the number of people under (*a*) (*i*) is few.

Frequent change of text-books in high schools.

*303. **Mr. CHARU CHANDRA ROY:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the text-books of the secondary schools are changed very often causing great economic distress to the poor parents of the boys and girls of this Province?

(*b*) If the answer to (*a*) is in the affirmative, is he in a position to state whether the Government are ready to take any action in the matter?

(*c*) Are the Government considering the desirability of enquiring into the matter and taking action?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) For the information of the House I may shortly state what the position is at present. Under the existing rules for the working of the Provincial Text-book Committee a number of text-books (ordinarily 30) for each class in each subject are approved by the Director of Public Instruction on the recommendation of the Committee for use in classes III to VIII of Government and Government-aided secondary schools. The approval is for four years and no change is made in the approved list within that period. The actual selection of text-books from the approved lists rests with the head masters and governing bodies of the schools and it is they who are responsible for any change in the books from time to time within the four years. I am not aware of any excessive amount of change being made and I should be grateful for a more detailed statement of complaints which have led to the putting of this present question.

So far as classes IX and X (matriculation classes) of high schools are concerned, it is the University who recommends or prescribes text-books.

(*b*) and (*c*) On receipt of the details mentioned in my answer to (*a*), I shall consider whether enquiry is called for.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to consider the desirability of not changing the text-books on Arithmetic, Algebra and Geometry, which serve no useful purpose, save and except that they put an additional burden upon the poor guardians?

Mr. SPEAKER: The later part of the question does not arise. So the question the Hon'ble Minister need answer is the first part.

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not think, Sir, I have got any power, but I will make a note of it and inform those that have got the power of approving or prescribing text-books; Government have no direct power to interfere in the matter.

Mr. CHARU CHANDRA ROY: Is the Hon'ble Minister aware that text-books in the Donovan High School in Jamalpur and Bindubasini Girls' School in Tangail are frequently changed? These are all Government-aided institutions.

Mr. SPEAKER: That question does not arise.

Mr. CHARU CHANDRA ROY: My submission is that detailed accounts are——

Mr. SPEAKER: I do not think that you can expect that out of the enormously large number of schools.

Mr. CHARU CHANDRA ROY: My submission is then this: Are the Government ready to enquire whether the text-books are frequently changed or not?

The Hon'ble Mr. A. K. FAZLUL HUQ: I shall certainly make an enquiry.

Mr. CHARU CHANDRA ROY: Thank you.

Number of candidates from the Rajshahi Division empanelled for Sub-Inspectors of Schools.

***304. Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the number of probationary Sub-Inspectors of Schools taken in the Provincial panel from the divisional panel during the last three years, division by division;

(*b*) if it is a fact that the number of candidates taken from Rajshahi Division is too low; and

(*c*) if so, whether the Government will be pleased to make good the deficiency at an early date?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) A statement showing, division by division, the number of candidates recommended by divisional panel committees for the posts of English teachers and Sub-Inspectors of Schools and those included in the Central panel during 1935-1937 is laid on the Library table.

As no separate panel is maintained for recruitment of Sub-Inspectors of Schools only, it is not possible to show the number of candidates for such appointments, viz., Sub-Inspectors of Schools, include in the Central panel during 1935-1937.

(*b*) Yes, the number of candidates from Rajshahi Division has been comparatively low.

(*c*) No hard and fast rule can be laid down in this regard. In making selection preference is always given and will have to be given to the candidates possessing superior qualifications.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether the Central Panel has been prepared this year or not?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware. It is being prepared, but I do not know if it is complete.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether B.A., B.T. is considered to be sufficient qualification for enlistment in the Central Panel?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, Sir, it is the required qualification, but there may be candidates with higher qualifications. The former qualification in itself makes one eligible for being put on the Central Panel.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to state whether some gentlemen taken on the Divisional Panel three or four years ago at Rangpur are being superseded this year?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware.

Maulvi ABU HOSSAIN SARKAR: Will the Hon'ble Minister be pleased to consider the specific cases if they are brought to his notice?

The Hon'ble Mr. A. K. FAZLUL HUQ: If any facts are given by means of a representation, I will certainly consider.

Lawyers engaged to conduct certain cases on behalf of the Crown.

*305. **Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*a*) the names of the lawyers engaged to conduct the following cases on behalf of the Crown, namely:—

(*i*) the Gariahata Case,

(*ii*) the Titagarh Conspiracy Case,

(*iii*) the Railway Ticket Fraud Case,

(*iv*) the Pakur Conspiracy Case.

(*v*) the Inter-Provincial Smuggling Case, and

(*vi*) the Baranagar Gang Case; and

(*b*) the amount of fees drawn by each of the said lawyers?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): A statement is laid on the Library table.

Dr. NALINAKSHA SANYAL: Before a supplementary question is asked, Sir, may I draw your attention to the fact that no statement referred to is lying on the library table to-day? There might have been one some time ago, but it was not there to-day.

Will the Hon'ble Minister be pleased to state if it is a fact that although there were the Public Prosecutors of Alipore available for the Gariahat Excise Raid Case, lawyers were brought from other parts of Bengal?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: So far as these appointments are concerned, these are made by Legal Remembrancer and I have nothing to do with them.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that although there were local Government pleaders and pleaders on the panel of Government pleaders available, Government Counsel Mr. A. K. Basu was engaged on a fee of Rs. 255 per day?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: All this depended upon the nature of the case. The Gariahat Case was so important and it involved such a big loss of Government revenue that Government could not afford to be satisfied with the appointment

of any pleader in whom they had no confidence. Government are bound to appoint in such a case the best lawyer of the country so that no further damage can be done.

Mr. SANTOSH KUMAR BASU: Is the Hon'ble Minister quite sure that he engaged the best lawyer in the country?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Certainly.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in the Gariahat Excise Raid Case there was no intricate or any question of law involved—all that was involved was the question of facts?

Mr. SPEAKER: That is a matter of opinion.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister has stated that the case was a very important one involving intricate questions of law I want to elicit further information as to whether intricate questions of law were involved or only the question of facts.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Both.

Mr. JOGESH CHANDRA GUPTA: Having regard to the fact that the Government of India were interested in the loss of their customs revenue, have the Government of India contributed any share of the expenses?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I want notice.

Mr. SARAT CHANDRA BOSE: Will the Hon'ble Minister be pleased to state for the information of the House just one of the intricate questions of law involved in this case?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: That will be found in the judgment.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that Mr. Jogendra Nath Mitra of the Calcutta Police Court was also engaged as a junior in this case on a fee of Rs. 85 per day, although he is not even a Graduate of Law?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not know him personally, and I want notice.

Dr. NALINAKSHA SANYAL: Is it a fact that in this case the bulk of the evidence was led and most of the work was done by Mr. Sris Chandra Roy Chowdhury, a junior to those two other eminent Counsels, and he was paid only Rs. 16 per day?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am glad that you are pointing this out to me. I will consider the case of the latter person very carefully.

Dr. NALINAKSHA SANYAL: Is it a fact that lawyers who were not of sufficient importance were brought from outside only as a matter of patronage?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Certainly not.

Construction of Iswardi-Sadhuganj Railway line via Pabna.

***306. Maulvi AZHAR ALI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that on the 24th February, 1920, Mr. Hutchison, the then Secretary to the Bengal Legislative Council, informed in a letter to late Khan Bahadur Maulvi Wasim Uddin Ahmed, M.L.C., that though Government was willing to construct Iswardi-Sadhuganj Railway line *via* Pabna, but owing to financial difficulty and high cost of labour and price of materials, it was not possible to undertake the work for some time; and

(*ii*) that on the 18th August, 1922, His Excellency the Governor of Bengal in reply to the address presented at Pabna, was pleased to state that Government of India assured Government of Bengal that as soon as adequate funds would be forthcoming, the proposal for construction of Iswardi-Sadhuganj Railyay line would be considered?

(*b*) Is it a fact that the Railway budget of the Government of India for the next year discloses a surplus of over two crores compared with that of last year?

(*c*) Do the present Government of Bengal propose recommending to the Government of India the construction of this Railway line?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) (*i*) I have no information.

(*ii*) and (*b*) Yes.

(*c*) No. The Pabna-Ishurdi Road which is being improved from a grant from the Road Fund, will meet the demands of local traffic and would make the proposed Railway definitely unremunerative. Moreover, it is contrary to the established policy of Government to duplicate the existing means of transport.

Tube-well in the Atrai ghat railway station on Eastern Bengal Railway.

*307. **Maulvi MOSLEM ALI MOLLAH:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether he is aware that there being no tube-well in the Atrai *ghat* railway station on Eastern Bengal Railway the passengers have to take the filthy river water to the detriment of their health.

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he intends to take in the matter?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: There is no tube-well in the Atrai *ghat* railway station. Provision of a tube-well has been included in the programme of works by the Railway authorities and the work will be taken up as soon as funds are available.

Silting up of the river Ichhamati.

*308. **Mr. MANORANJAN BANNERJEE:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that there was a drainage *khal* connecting the river Ichhamati with the Arial *bil* in the Dacca district; and

(*ii*) that owing to the silting up of the river Ichhamati the said *bil* remains water-logged?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking steps in the matter?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) Yes.

(*ii*) The area in question being probably an abandoned loop of the Ganges is very low. It is now being gradually reclaimed by silt carried by spill from the Ganges river.

(*b*) The question of silt clearance of the Ichhamati river from Kartikpur to Saidpur was examined but it was dropped as the people to be benefited were not willing to pay the cost. This question along with other allied problems connected with the waterways of Bengal will be tackled by the proposed Bengal Waterways Board, the formation of which is now under consideration.

Babu NACENDRA NATH SEN: With reference to answer (*b*), will the Hon'ble Minister be pleased to state if persons, whether benefited or not, are bound to pay the cost of any such operation?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I have only stated the fact.

Construction of a railway between Iswardi and Sadhuganj via Pabna.

***309. Maulvi AZHAR ALI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*i*) whether in 1913 Messrs. Martin & Co. as promoter applied to Government of Bengal for a sanction for opening a light railway from Iswardi to Sadhuganj *via* Pabna;

(*ii*) whether Government of Bengal being informed by Government of India early in January, 1914, about opening of a broad gauge line in that area very soon, the proposal of Messrs. Martin & Co., as referred to in (*i*), could not materialise;

(*iii*) whether a survey for a broad gauge line was actually undertaken with the assent of Government of Bengal by Eastern Bengal Railway and approximate estimates of earnings, etc., of the project were prepared in 1914-15; and

(*iv*) whether Government of Bengal on the 20th February, 1922, informed Government of India that they would be glad to see the line constructed as soon as funds be forthcoming?

(*b*) If the answers to (*a*) are in the affirmative, will the Government be pleased to state, what now are the Government proposing about the construction of a railway between Iswardi and Sadhuganj *via* Pabna for easy communication for the district of Pabna?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) Messrs. Martin & Co. applied to the Government of Bengal for carrying out a detailed survey of the alignment of the proposed Light Railway.

(*ii*) Yes.

(*iii*) The Railway Board sanctioned a reconnaissance survey of the project in 1914.

(*iv*) Yes.

(*b*) The Pabna-Ishurdi Road which is being improved from a grant from the Road Fund will meet the demands of local traffic and would make the proposed railway definitely unremunerative.

Maulvi AZHAR ALI: With reference to answer that the road between Pabna and Iswardi measuring 18 miles is being improved, may I know what Government propose to do for better communication between Pabna and Sadhuganj, which covers a distance of 30 miles?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Babu NARENDRA NARAYAN CHAKRABARTY:

মন্ত্রী মহাশয়, পাবনা-সাধুগঞ্জ যে Road, ঐ রাস্তার নির্ম্মাণকার্য্য কত দিন থেকে সুরু হয়েছে?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I do not think so.

Babu NARENDRA NARAYAN CHAKRABARTY:

মন্ত্রী মহাশয় কি জ্ঞাত আছেন, ঐ রাস্তা যা নাকি ঈশ্বরদি থেকে প্রায় ৫০ মাইল দূরবর্ত্তী, তার মাত্র ১১ মাইল পাকা হোয়ে কাজ বন্ধ আছে?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: If he is thinking of the Pabna-Iswurdi Road, I am sure that is not the fact.

The House was then adjourned for 15 minutes.

(After Adjournment.)

Babu NARENDRA NARAYAN CHAKRABARTY:

মন্ত্রী মহাশয় কি জানেন, পাবনা-সাধুগঞ্জ রাস্তার নির্ম্মাণকার্য্য যে আরম্ভ হয়েছিল তা গত দুবছর যাবৎ প্রায় বন্ধ আছে?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I want notice.

Babu NARENDRA NARAYAN CHAKRABARTY:

মন্ত্রী মহাশয় কি জানেন, এই রাস্তার যদিও মাটি কাটার কাজ শেষ হয়েছে তবু পাকা কাজ এক বছরে থেকে কিছুই আরম্ভ হয় নাই?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, as I have already stated the Pabna-Iswardi Road has made very good progress, and is almost complete. As regards the other portion, as I have already mentioned, I have no information.

Babu NARENDRA NARAYAN CHAKRABARTY:

আমার কথা আপনি ঠিক বুঝতে পারছেন না। আমি পাবনা-ঈশ্বরদি Road এর কথা মোটেই জিজ্ঞাসা করি নাই। আমি জিজ্ঞাসা কোরছি পাবনা-সাধুগঞ্জ রোডের সম্বন্ধে।

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, I may repeat what I have said that I have no information about Pabna-Sadhuganj Road.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if this section of the road between Pabna and Sadhuganj crosses very important spill areas and some of the outlets of the waterways of North Bengal and investigations have got to be made before any project for pucca road may be allowed?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I think so.

Postponement of Union Board election in Malda.

***310. Mr. ATUL CHANDRA KUMAR:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) the reason for withdrawing the Government order postponing the Union Board election in the district of Malda;

(*b*) whether the Government are considering the desirability of nominating members in the Union Boards only on the recommendation of the Circle Officer and District Magistrate or also on suggestions from the local institutions such as School Committee, Dispensary Committee of the locality; and

(*c*) whether the Government contemplate nominating those who were defeated in the election?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) Government contemplated changes by legislation in the constitution of Union Boards. It was found subsequently that it was not possible to undertake the proposed legislation immediately. The order postponing the reconstitution of the Union Board in the district in which the next general election had been due or was about to be due had to be withdrawn.

(*b*) and (*c*) The attention of the hon'ble member is drawn to section 6(*3*) of the Village Self-Government Act under which appointments to the Union Board are to be made by the District Magistrate and Government have no power to interfere.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether Government have expressed to the District Magistrates their intention of not nominating failed candidates?

The Hon'ble Mr. SYED NAUSHER ALI: Not yet.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that District Magistrates are agents of Government in the districts concerned, and all acts of District Magistrates are on the responsibility of Government?

The Hon'ble Mr. SYED NAUSHER ALI: This is a statutory duty of the District Magistrate, and Government cannot interfere in the matter of the exercise of a statutory power.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that in the Statute it is only stated that the District Magistrate will nominate, but it is nowhere stated that Government cannot interfere?

The Hon'ble Mr. SYED NAUSHER ALI: When Statute gives power to a particular official, Government, I understand, cannot interfere.

Mr. DHIRENDRA NATH DATTA: In answer to a question you were pleased to state that it is the policy of Government not to nominate one who is defeated in election. Are we to understand that this is still the policy of Government, or the policy of Government has changed?

The Hon'ble Mr. SYED NAUSHER ALI: I think I had an opportunity of expressing my personal opinion on this matter, and I

am thinking of issuing a circular to that effect. But that has not yet been done.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is considering the desirability of issuing a notice or notification to that effect now?

The Hon'ble Mr. SYED NAUSHER ALI: It is still under my consideration. I have already replied to that.

Flooded area within the Tollygunge Municipality.

***311. RAI HARENDRA NATH CHAUDHURI:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state what steps have been taken—

(*a*) to dewater the flooded area within the Tollygunge Municipality and the adjacent Union Boards and prevent the recurrence of the regrettable conditions that prevailed there during the last monsoon; and

(*b*) to prevent the Corporation authorities from closing culverts to stop the ingress of water from the Tollygunge side during the monsoon and aggravate the waterlogging of the suburban area?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) So far as the area within the Tollygunge Municipality is concerned, a scheme has been prepared by the Public Health, Engineering Department, at the instance of the Tollygunge Municipality, to isolate the homestead areas by the construction of embankments and then to dewater them by pumping into the stormwater channel of the Calcutta Corporation. This scheme has been submitted by the Commissioners of the Tollygunge Municipality through the proper channel to the Sanitary Board which considered the scheme at a recent meeting. The scheme has just been sent up to Government and I will consider it immediately. As regards Union Board areas, the scheme for an effective drainage of the affected areas is under the consideration of Government.

(*b*) It is reported that there were a few small culverts which were maintained to drain a portion of Ward No. 18 of the Calcutta Corporation, through the Tollygunge Municipality, into the Salt Lake. These became inoperative on account of the deterioration of the Vidyadhari and were closed. Government are advised that keeping these small culverts open will bring no appreciable relief, while it will aggravate the position in the eastern part of Calcutta.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state when will the scheme be brought into force?

The Hon'ble Mr. SYED NAUSHER ALI: The scheme as soon as it is approved technically has got to be financed. The question of finance is the main question, and it will depend to a very great extent on the capacity of the Municipality to pay its own contribution. Government will be prepared to pay its contribution as soon as the Municipality comes forward with its contribution.

Babu NAGENDRA NATH SEN: Is it not a fact that the Hon'ble Minister personally visited the locality last year, and he was convinced of the urgent necessity of taking measures to prevent such a scandal?

The Hon'ble Mr. SYED NAUSHER ALI: I have already stated more than once that it is a very urgent scheme.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the date when the meeting of the Sanitary Board was held as well as the date or approximate time when a conference was held under his chairmanship to examine this question properly?

The Hon'ble Mr. SYED NAUSHER ALI: I cannot give the dates, but there was a long gap, and Government did everything in their power and that was required of the Government to do. It was for the Municipality to take the other steps, and so far as the Government's part is concerned, there has been absolutely no delay whatsoever.

Rai HARENDRA NATH CHAUDHURY: Will the Hon'ble Minister be pleased to state how does he propose to meet the emergency that arose on the last occasion on account of rains?

The Hon'ble Mr. SYED NAUSHER ALI: I have given my best consideration to this matter, but it appears that no relief can be given this year except what it was possible to give last year. Even the lands could not be acquired Until the lands were dry the alignment could not be made. So, if anything could be done so far as the land is concerned, it can be done after the land is dry during the dry season. Then the work has got to be commenced next cold weather.

Rai HARENDRA NATH CHAUDHURI: Does not the Hon'ble Minister appreciate the gravity of the situation that will arise in the rains?

The Hon'ble Mr. SYED NAUSHER ALI: I think I have more than once stated that I do appreciate that, and everything possible or necessary on the part of Government will be done as it was done on the last occasion.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that one potent cause of delay is the difference of opinion between the District Board authorities and the Municipal authorities of Tollygunge over the question of sharing a proportion of the cost; if so, will the Hon'ble Minister be pleased to state what action the Government propose to take, to see that this difference of opinion is harmonised, and the matter taken up early?

The Hon'ble Mr. SYED NAUSHER ALI: I don't think there was any question of any payment, so far as this scheme is concerned, by the District Board of the 24-Parganas. There was some question of payment by the Calcutta Corporation and also by the Railway authorities,—both these bodies having now disowned any responsibility for this scheme.

Dr. NALINAKSHA SANYAL: Is it a fact that the Hon'ble Minister and the Government were considering last year an alternative scheme by a straight line route avoiding a ziz zag course, from Haltu to Kulti to include not only the Tollygunge municipal area but also a portion of the area of the District Board and that therefore the District Board came in?

The Hon'ble Mr. SYED NAUSHER ALI: I would ask for notice.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Introduction of the Primary Education Act in Pabna.

81. Mr. ABDULLA-AL MAHMOOD: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is proposed to give effect to the Primary Education Act in the district of Pabna?

(*b*) If so, when do the Government propose to introduce it?

(*c*) If not, why not?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) and (*c*) As soon as is practicable.

Recruitment of head masters of high English schools.

82. Mr. BIRENDRA KISHORE RAY CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) how many head masters have been appointed direct; and

(*ii*) how many from among assistant head masters recommended for promotion?

(*b*) Will the Hon'ble Minister be pleased to state the qualifications of the recruits of both these groups and the communities to which they belong?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Three and (*ii*) nil.

(*b*) In the enclosed statement.

Statement referred to in the reply to clause (b) of unstarred question No. 82.

Name of the recruits.	Qualifications.	Community to which he belonged.
1. Maulvi A. K. Lutfe Ahmed Siddique (died on 6th May 1937).	M.A. (class II) B.T. (class I).	Moslem.
2. Dr. Md. Enamul Haque	M.A. (class I) Ph. D. (Cal.).	Do.
3. Mr. H. F. Miller	B.Sc. (Lond.)	Christian.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether he is aware of the fact that Mr. Miller whose name stands 3rd in the list, was the headmaster of the L. M. S. Middle English School at Kurapukur?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of it.

Grant-in-aid to the Bajua Union High English School in Khulna.

83. Babu PATIRAM ROY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he is aware—

(*i*) that the staff and students of the Bajua Union High English School under police-station Dacope in the district of Khulna entirely belong to the Scheduled Castes and Muhammadans;

(*ii*) that there is not any other high English school within a radius of 25 miles;

(*iii*) that the school is in a locality which is totally inhabited by the Scheduled Castes and a backward section of the Muhammadans;

(*iv*) that the school maintains its existence with difficulty over a decade; and

(*v*) that no grant-in-aid has been sanctioned so long by the authorities concerned?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state if Government contemplates any provision for this school in the immediate future?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Almost all the members of the staff and the students of the school belong to the Scheduled Castes or are Muhammadans.

(*ii*) There is no other high English school within a radius of 20 miles.

(*iii*) and (*iv*) Yes.

(*v*) Yes, except for a lump grant in 1936-37.

(*b*) As soon as funds become available the question of making provision for this school will be sympathetically considered.

Nomination of Babu Kshitish Ch. Mishra in Araidanga Union Board, Malda.

84. Mr. ATUL CHANDRA KUMAR: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that in the last Union Board election of No. 8 Araidanga Union Board in Ratna police-station in the district of Malda, Babu Kshitish Chandra Mishra was a candidate and secured only seven votes out of more than 300 votes polled; and

(*ii*) that the said candidate was subsequently nominated?

(*b*) Is it a fact that the Government contemplate nominating the said Babu Kshitish Chandra Mishra again this year?

(*c*) What is the present policy of the Government in the matter of nomination to the Union Board members?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Yes.

(*b*) No. The attention of the member is invited to section 6 of the Village Self-Government Act, under which appointments to a Union Board are made by the District Magistrate and not by Government.

(*c*) The principle is embodied in rule 13 of the Union Board Manual, Volume II, a copy of which is laid on the table.

Statement referred to in the reply to clause (c) of unstarred question No. 84.

UNION BOARD MANUAL.

Volume II.

13. *Appointed members.*—In making proposals for nomination of members, Circle Officers should take great care to select residents who are reliable, and in all respects qualified for election. Persons of outstanding qualifications should be urged to stand for election. It may be expected that they will be elected unanimously. Their position will then be stronger and their influence greater than if they were appointed members. If the result of the election has been to give very inadequate representation to any particular community, one or more members of that community should be proposed for nomination. Before forwarding the Circle Officer's proposals the Subdivisional Officer should satisfy himself that they are in conformity with the above principles.

District Magistrates will appoint members of Union Boards after consulting the Chairman of the District Board.

Babu KSHETRA NATH SINCHA: There being not a single scheduled caste member in the Union Board, will the Hon'ble Minister be pleased to ask the District Magistrate to nominate one from the scheduled caste?

The Hon'ble Mr. SYED NAUSHER ALI: I think it would be better for the hon'ble member, if he feels interested in this, to represent the matter to the District Magistrate concerned.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state, if that be the policy of the Government as embodied in Rule 13 of the Union Board Manual, Volume II, and "that it may be expected that he (*vide* Rule 13) will be elected unanimously", is that the qualification for this gentleman when he was nominated?

The Hon'ble Mr. SYED NAUSHER ALI: I would ask the hon'ble member to read the whole rule, and not a part of it only.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether or not it is the policy of the Government to interfere in cases where the District Magistrate does not conform to the rules for nomination?

Mr. SPEAKER: That is a hypothetical matter.

Nomination of Scheduled Castes member to the Noakhali District Board.

85. Mr. JAGAT CHANDRA MANDAL: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that no representative of the Scheduled Castes was ever nominated to the Noakhali District Board?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of appointing a representative to the said Board in the future?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) A Scheduled Caste Hindu was appointed a member of the Noakhali District Board in 1936.

(*b*) Does not arise.

Tube-wells in Noakhali.

86. Mr. SHAH SYED GOLAM SARWAR HOSAINI: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the total number of tube-wells constructed in the district of Noakhali with the money allotted for the purpose by the India Government after the departure of Mr. R. A. Dutch, I.C.S., till now;

(*ii*) the cost incurred for the construction of each;

(*iii*) the number of contractors engaged for the purpose, both Hindus and Mussalmans, with the name of their native districts mentioned against their names;

(*iv*) the reason for engaging Hindu contractors of other districts in preference to local Muslim contractors; and

(*v*) the name of the officer or Engineer who inspected the works of the tube-wells?

(*b*) Is the Hon'ble Minister aware that the Union Board of this district have constructed good tube-wells at a cost of Rs. 30 to Rs. 35 only.

(*c*) If so, will the Hon'ble Minister be pleased to state the reason for incurring a larger amount by the Government?

(*d*) Do the Government propose to hold an enquiry into the matter?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) The member is referred to the answer given to the unstarred question No. 72 put by him in the current session.

(*b*) It is reported that no tube-wells were sunk by any Union Board at a cost of Rs. 30 to Rs. 35.

(*c*) and (*d*) Do not arise.

Maulvi ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state how many of these tube-wells were sunk by Government with the money allotted by the Government for rural improvement, and were they successful?

The Hon'ble Mr. SYED NAUSHER ALI: It is more than what I can answer without notice.

Deaths from malaria in the Tangail subdivision, Mymensingh.

87. Mr. CHARU CHANDRA ROY: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the number of deaths by malaria in the subdivision of Tangail of the district of Mymensingh, village by village, in 1937?

(*b*) Will the Government be pleased to state what action did they take to fight the evil excepting distribution of few quinine tablets and what action do the Government propose to take to eradicate the evil of malaria from the country?

The Hon'ble Mr. SYED NAUSHER ALI: The total number of deaths from malaria in the Tangail subdivision in 1937 was 7,559. Figures by villages are not available.

The hon'ble member is referred to the answer given to clauses (*b*) and (*c*) of the starred question No. 251 put by Mr. Amrita Lal Mondal, M.L.A., in this session.

After the results of the malaria survey now in progress are known, Government propose to draw up a comprehensive scheme for the control of malaria in the Province.

Admission of Indian Christian students in certain institutions.

88. Dr. H. C. MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state, year by year, the number of Indian Christian students who were admitted into the following institutions mentioning the courses of study they were persuing in them during the years 1935-37:—

(1) Bengal Engineering College, Sibpur;
(2) David Hare Training College, Calcutta;
(3) Teachers' Training College, Dacca;
(4) Medical College, Calcutta;
(5) Veterinary College, Belgachia, Calcutta;
(6) Ahsanullah School of Engineering, Dacca;
(7) Bengal Survey School, Mainamati, Tippera;
(8) Government Central Weaving School, Serampore;
(9) Government Silk Weaving and Dyeing School, Berhampore;
(10) Agricultural School, Manipur, Dacca;
(11) Forest School, Kurseong;
(12) Physical Education Centre, Calcutta;
(13) Technical Schools at Pabna, Rangpur, Mymensingh, Krishnagar, Rajshahi and Burdwan;
(14) Campbell Medical School, Calcutta;
(15) Dacca Medical School, Dacca;
(16) Lytton Medical School, Mymensingh;
(17) Ronaldshay Medical School, Burdwan;
(18) Chittagong Medical School, Chittagong; and
(19) Jackson Medical School, Jalpaiguri?

(*b*) What steps, if any, do the Government propose taking in order to encourage technical and vocational education of a comparatively advanced type among them?

(*c*) Is Government considering the desirability of attracting Indian Christian students to these institutions by offering the poor and the deserving among them such facilities as free tuition, free seats in hostels and other attraction of a similar type?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) A statement is laid on the Library table.

(*b*) and (*c*) It is not clear, generally speaking, that special facilities are called for. If a case for provision of facilities in any individual institution is brought to my notice, I shall see what can be done.

Dr. H. C. MUKHERJI Is the Hon'ble Minister aware, that according to the statement laid on the Library Table within the three years from 1935-1937, Indian Christian students were not under instruction in 11 out of the 19 schools mentioned in the question?

The Hon'ble Mr. A. K. FAZLUL HUQ: The statement will show what the facts are.

Dr. H. C. MUKHERJI: Is the Hon'ble Minister aware that both the Indian Christian Association and the Indian Catholic Association made representations on this point to his predecessor?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware.

Dr. H. C. MUKHERJI: Is the Hon'ble Minister willing to make an enquiry as to whether there is any ground for their grievances?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am prepared to make an enquiry.

Post of the second Conservator of Forests.

***315. Khan Sahib HAMIDUDDIN AHMAD:** (*a*) Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state whether it is a fact that the post of the second Conservator of Forests, which was abolished for some years in accordance with the recommendations of the Retrenchment Committee, was revived by the end of March last?

(*b*) What was the reason for the revival of the said post?

(*c*) What was the exact date of the order for the revival of the post?

(*d*) Whether it is a fact that in provinces like Bihar and Assam there is only one Conservator of Forests?

(*e*) Is the Hon'ble Minister reconsidering the decision of the former Government arrived at in the transitional period?

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) Yes. The post was revived from the 1st March, 1937.

(*b*) The reasons for the revival of the post have already been explained in my budget speech last year.

(*c*) 20th February, 1937.

(*d*) Yes.

(*e*) No.

Appointments under the Magistrate and Collector of Tippera.

***316. Maulvi MD. HASANUZZAMAN:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing for the last three years 1935 to 1937—

(*a*) how many appointments were made under the Magistrate and Collector of Tippera; and

(*b*) the number and percentage of such appointments as were given to—

(1) Muslims;

(2) Non-Muslims; and

(3) the names of the clerks who have been allowed extension of services and the dates of their retirement?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): Two statements are laid on the table.

Statement referred to in the answer to clauses (a) and (b) (1) (2) of starred question No. 316.

District Tippera	1935.	1936.	1937.
(*a*) Number of appointments made under the Magistrate and Collector ..	25	19	28
(*b*) (1) and (2) Number of appointments given to—			
Muslims	9	9	11
Non-Muslims	16	10	17
Percentage of appointments given to—			
Muslims	36	47·4	39·3
Non-Muslims	64	52·6	60·7

Statement referred to in the answer to clause (b) (3) of starred question No. 316.

Name of clerk.	Date on which retired.
1. Babu Ambica Charan Chakrabartty ..	1st July, 1935.
2. Babu Harendra Nath Sen ..	1st November, 1935.
3. Babu Dinabandhu Chakrabartty ..	16th July, 1935.
4. Babu Mahim Chandra Bhattacharya ..	16th August, 1936.
5. Babu Suresh Chandra Bhattacharya ..	1st August, 1937.
6. Babu Joy Chandra Banik ..	2nd April, 1937.

Khas mahal lands acquired at the subdivisional headquarters of Jamalpur in Mymensingh.

*317. **Mr. ABDUL KARIM:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what was the rate of rent per *bigha* of the *khas mahal* lands acquired at the subdivisional headquarters of Jamalpur in the district of Mymensingh before they were acquired by Government?

(b) What is the present rate of rent of those lands per *bigha* payable by the tenants to Government?

(c) Whether it is a fact that at the time of last settlement some of those acquired lands have been leased out to non-agriculturist *panwallas* and peons of the criminal courts in preference to the claims of the actual cultivators?

(d) If the answer to (c) is in the affirmative, is the Hon'ble Minister considering the desirability of taking necessary steps not to lease out these lands in future to people other than actual cultivators?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) It varied from 15 annas to Rs. 3-11 per *bigha*

	Per *bigha*	
	Rs.	a.
(b) 1st class ...	3	2
2nd class ...	2	9
3rd class ...	1	9

(c) No.

(d) Does not arise.

Mr. ABDUL KARIM: With reference to the answer, will the Hon'ble Minister be pleased to state if there was any sort of classification of lands before they were acquired by Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They were acquired many years ago and it is difficult for me to say now whether there was any classification or not.

General revaluation of cess of the 24-Parganas district.

*318. **Mr. JASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) when was the last general revaluation of cess of the 24-Parganas district made;

(*b*) when is the next general revaluation normally due;

(*c*) has the opinion of the District Board in regard to taking up the revaluation been obtained;

(*d*) if so, what is that opinion;

(*e*) whether it is a fact that district settlement has been finished;

(*f*) whether it is also a fact that cess revaluation has been long due;

(*g*) whether the Collector has been instructed for taking up the revaluation of cess in the district;

(*h*) is the Hon'ble Minister aware that the people have to make payment of certificate dues on cesses of joint rent-free holdings; and

(*i*) are the Government considering the desirability of taking cess revaluation in the 24-Parganas district for easy realisation of cess by share apportionment on rent-free landholders?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) 1911-1914.

(*b*) Revaluation may be made at any time after the expiration of five years, but a much longer period usually elapses.

(*c*) Yes, in May, 1937.

(*d*) The District Board was not in favour of immediate revaluation.

(*e*), (*f*) and (*h*) Yes.

(*g*) and (*i*) No.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if the Government are not aware that the last valuation in the 24-Parganas district was made at a time when the price of paddy was very high, but indeed after a lapse of 27 years, it has gone down considerably and whether it is not the intention of Government to make a general revaluation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The price of paddy in 1911 to 1914 was not very high.

Acquisition of lands in the Western Duars Government khas mahal in Jalpaiguri.

*319. **Babu KHAGENDRA NATH DAS GUPTA:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) is it not a fact that no compensation is paid to *jotedars* or other lessees for the compulsory acquisition of their lands for public purposes or for the purposes of Railway or other companies when such lands are held under the Western Duars Government *khas mahal*, in the district of Jalpaiguri;

(*b*) is it a fact that when lands in the occupation of tenants in the Western Duars Government *khas mahal* in the district of Jalpaiguri are required for public purposes or for the purposes of Railway or other companies, the Deputy Commissioner of Jalpaiguri merely resumes such land without paying any compensation to the owner or lessees of such lands without recourse to any proceedings under the Land Acquisition Act; and

(*c*) are the Government considering the desirability of taking steps to enforce the provisions of the Land Acquisition Act for acquisition of lands of the *jotedars* and other tenants in the Western Duars Government *khas mahal*, for paying compensation for acquisition of lands as in other parts of the province?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) No compensation for the land itself is given when acquired for a public purpose, but compensation for buildings, standing crops, etc., is awarded to the tenants.

(*c*) No such proposal is at present under consideration of Government.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether any compensation is paid or not to the tenants when the land is acquired for the railway or other purposes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This depends on the terms of the lease, in which it is distinctly mentioned, I believe, that no compensation would be awarded; but, I personally feel that this is very unfair to the tenants, because they pay in most cases *salami*. So I am going to examine the whole question and shall see that the tenants get compensation where justified.

Babu NAGENDRA NATH SEN: Will the Government do it very soon?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope so.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to say whether Government pays any *salami* for acquiring the land?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have already stated that no compensation is paid.

Detailed statement of rent and cess for the Parganah Hushenshahi in Mymensingh.

***320. Maulvi ABDUL HAKIM:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing for the Parganah Hushenshahi (*tauzi* No. 66) in the district of Mymensingh—

(*a*) the total amount of annual land revenue (annual demand) to be paid by the landlords;

(*b*) the total amount of annual rents to be realised by the revenue-paying landlords from their tenants and tenure-holders (if any);

(*c*) the total amount of annual road cess to be realised by such landlords from their tenants and tenure-holders (if any);

(*d*) the total amount of annual road cess to be paid by such landlords to the district board; and

(*e*) the total area of rented lands comprised under the revenue paying landlords as shown in the last settlement records?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Besides *tauzi* No. 66, there are other *tauzis* in this Parganah.

(*a*), (*b*) and (*d*) A statement relating to the whole Parganah is laid on the table.

(*c*) and (*e*) The information is not readily available, and its collection would entail so much time, labour, and expense that Government regret that they are not prepared to undertake the task.

Statement referred to in the reply to clauses (a), (b) and (d) of starred question No. 320.

	Rs.	a.	p.
The total amount of annual land revenue (annual demand) to be paid by the landlords ..	63,593	0	0
The total amount of annual rents to be realised by the revenue-paying landlords from their tenants and tenure-holders	2,44,687	0	0
The total amount of annual road cess to be paid by such landlords to the district board ..	16,839	11	3

Distress in certain villages of Bakarganj.

***321. Khan Bahadur Maulvi HASHEM ALI KHAN:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that the villages Sreerampur, Bardia, Khagerchar, Andarmanik, Debna, Lalpur, Govindapur, Khanipur and Badartuni within police-station Hizla in the district of Bakarganj have been washed away by the river Meghna;

(*ii*) that about 10,000 people have become destitute, homeless and landless; and

(*iii*) that acute distress prevails in this area?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of—

(*i*) providing them with lands in the *khas mahal* without any *salami*; and

(*ii*) helping these people with gratuitous loan?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Many villages in Hizla police-station have been washed away by the river Meghna, including some of those mentioned.

(*ii*) Local enquiry shows that about 4,000 persons have been affected since the erosion began 3 or 4 years ago.

(*iii*) Government are informed that there is no acute distress at present as people have in the space of 3 or 4 years time adjusted themselves to the changed conditions. Many of them have left the locality.

(*b*) (*i*) The Collector has already taken up the question of finding land for the diluviated tenants. Special concessions will be granted in the matter of *salami*.

(*ii*) No loans are considered necessary, at present. Gratuitous relief is given by Government, only for temporary relief, when distress is acute.

Khan Bahadur Maulvi HASHEM ALI KHAN: Will the Hon'ble Minister be pleased to state with reference to answer (*a*) (*ii*) if an enquiry was made by whom it was made?

The Hon'ble BIJOY PRASAD SINGH ROY: The enquiry was made by the Collector.

Khan Bahadur Maulvi HASHEM ALI KHAN: And when?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: On receipt of this question

Maulvi ABDUL WAHAB KHAN: With reference to answer (*a*) (*iii*), will the Hon'ble Minister be pleased to state whether these homeless people are living in extreme distress as *okhrauts*, and do Government consider the desirability of granting them lands absolutely free of *salami*?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The matter is left to the discretion of the Collector and, if necessary, Government will certainly consider this suggestion.

Khan Bahadur Maulvi HASHEM ALI KHAN: With reference to answer (*a*) (*iii*), will the Hon'ble Minister be pleased to state what steps the Collector has taken for the redress of the acute distress?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have said in my reply "The Collector has already taken up the question of finding land for the diluviated tenants."

Khan Bahadur Maulvi HASHEM ALI KHAN: But practically nothing has been done up till now.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have nothing further to add, Sir.

Amount of rent realised by the Teknaf sub-tahsil office in the Cox's Bazar subdivision.

***322. Al-Haj Maulana Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the

table a statement showing, year by year, during the period 1925-1937 (inclusive)—

(*i*) the amount realised by the Teknaf sub-tahsil office in the Cox's Bazar subdivision of Chittagong; and

(*ii*) the gradual decrease or fluctuation in revenue from time to time with reasons thereof?

(*b*) Will the Hon'ble Minister be pleased to state whether the decrease is due to the breach of embankments in the villages of Shahaparidwip and Sabrand in the police-station of Teknaf?

(*c*) Do the Government propose to reconstruct the said embankments at an early date?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A statement is laid on the table.

(*b*) Government have no information to this effect.

(*c*) The reconstruction of the embankments has already been taken up and is nearing completion.

Statement referred to in the answer to clause (a) of starred question No. 322.

Year.	Amount (rent) realised. (*i*)	Probable reasons for fluctuations. (*ii*)
	Rs.	
1924-25	22,941	..
1925-26	30,996	..
1926-27	22,275	..
1927-28	30,943	..
1928-29	32,149	..
1929-30	19,720	Bad crop.
1930-31	28,428	
1931-32	14,700	Economic depression.
1932-33	17,255	
1933-34	16,251	
1934-35	21,768	Economic recovery.
1935-36	29,512	
1936-37	32,867	

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state on what date the actual work of reconstruction commenced?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Al-Haj Maulana Dr. SANAULLAH: Is the Hon'ble Minister quite sure that the work of reconstruction of the embankments in the villages of Shahaparidwip and Sabrand was really taken up and not work on any other neighbouring embankments?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think, Sir, that the answer is complete here. The reconstruction of the embankments is now nearing completion.

Khan Bahadur MUHAMMAD ANWARUL AZIM: Will the Hon'ble Minister be pleased to state whether he is sure that the work of reconstruction of the embankments has already been taken up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, I am perfectly certain because that is the information which we have received from the Collector.

Khan Bahadur MUHAMMAD ANWARUL AZIM: Is the Hon'ble Minister prepared to take it from me that this work has not yet been taken up?

(No reply.)

Al-Haj Maulana Dr. SANAULLAH: In view of the allegations made, will the Hon'ble Minister be pleased to make immediate enquiries?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government do not consider it necessary to make further enquiries unless they are satisfied that their information is incorrect.

Civil courts' clerks.

***323. Mr. MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware—

(*i*) that Mr. N. L. Hindley was appointed to enquire into the workings of the Judicial Department a few years back;

(*ii*) that according to the Hindley Report a set of new Rules and Orders was introduced into the civil courts of Bengal;

(*iii*) that the introduction of the new Rules and Orders increased the work of the civil courts' clerks;

(*iv*) that to cope with increased volume of work the clerks used to work surreptitiously late at night; and

(*v*) that subsequently Mr. R. F. Lodge, I.C.S., was deputed to enquire into the grievances of the ministerial officers?

(*b*) Will the Hon'ble Minister be pleased to state whether Mr. R. F. Lodge has submitted his report?

(*c*) If so, will the Hon'ble Minister be pleased to lay a copy of the said report on the Library table?

(*d*) Do Government propose giving immediate effect to the recommendations made by Mr. R. F. Lodge in his report?

(*e*) Are the Government considering the desirability of increasing the number and pay of civil courts' clerks?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) and (*ii*) With a view to secure more efficient administration of civil courts in Bengal, the old High Court Rules and Orders were revised under the supervision of Mr. Hindley as a result of which the new Civil Rules and Orders were introduced.

(*iii*) to (*v*) This increased the clerical work of the civil courts to some extent and in many places the clerks worked overtime but not surreptitiously. Mr. R. F. Lodge was deputed to investigate into the matter.

(*b*) Yes.

(*c*) No. The reports are still under the consideration of the Government and the High Court.

(*d*) and (*e*) Mr. Lodge has submitted a report to Government on the staff requirements and a report to the High Court on the working of Civil Rules and Orders. As regards the former, the issue of final orders is delayed owing to the changes in the volume of work in civil courts that are being brought about by the operation of the Bengal Agricultural Debtors Act. In all 82 temporary clerks were sanctioned last year and these are being continued this year. Government are not considering increasing the pay of civil court clerks. As regards the report of the High Court, some action has already been taken, and by the courtesy of the High Court I am able to state that further action is under contemplation.

Mr. DHIRENDRA NATH DATTA: With reference to answers (*d*) and (*e*), will the Hon'ble Minister be pleased to state what rules and circulars have been amended by the Hon'ble High Court?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: These rules and circulars are contained in two volumes covering probably 2,000 pages, and for me to answer what action has been taken on each one of these rules and circulars by the High Court in the course of reply to a question is impossible.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether some action at least has been taken by the Hon'ble High Court?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I want notice, Sir.

Mr. SPEAKER: The question hour is finished.

Proposed Adjournment Motion.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I beg leave of the House to move the adjournment motion which I have given notice of, and in this connection I would submit that the matter is a serious one. I have already handed over a notice of the motion to you, Sir——

(At this stage Mr. Iswar Chandra Mal rose to speak).

Mr. SPEAKER: Yes, Mr. Mal?

Mr. ISWAR CHANDRA MAL: Sir, I beg leave of the House that this Assembly do now adjourn to consider a definite matter of urgent public importance of recent occurrence, namely, the situation arising out of the promulgation of the orders under section 144 of the Criminal Procedure Code by the Subdivisional Officer, Contai, prohibiting meetings, associations or conferences in the Contai subdivision with a view to discuss the question of rent or any matter incidental to it.

Sir, the reason why I have come forward——

Mr. SPEAKER: That is all right. You need not make any speech at this stage. Have you sent in your motion?

Mr. ISWAR CHANDRA MAL: I handed it over to you, Sir, only the other day.

Mr. SPEAKER: Sir Bijoy, what are the facts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, orders under section 144 of the Criminal Procedure Code were promulgated by the Subdivisional Officer, Contai, in the Contai subdivision, because there was a likelihood of a serious breach of the peace which might have been the result if meetings were held——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Mr. Mal is just now at the stage of seeking leave of the House for moving an adjournment motion. The question whether the order of the Subdivisional Officer was justified or not will be discussed at the time when we discuss the motion itself. May I request you, Sir, to ask the Hon'ble Minister not to go into the details?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I was not going into the details. You were pleased, Sir, to ask me about the facts, and I was just stating the facts.

Mr. SPEAKER: Sir Bijoy, I suppose you have seen the statement of the honourable member? Have you got anything to say with regard to that statement?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir, I have seen the statement, but I do not accept the allegations made in it.

Mr. SPEAKER: That is another matter.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Orders were issued under section 144 of the Criminal Procedure Code, and those orders stand.

Babu NAGENDRA NATH SEN: On a point of information, Sir. May I enquire why the Hon'ble Revenue Minister is replying to these questions when the Hon'ble Home Minister is present here?

Mr. SPEAKER: Because the motion relates to the question of rent.

Dr. NALINAKSHA SANYAL: In view of the Hon'ble Minister's reply that he does not accept this statement, may I enquire on what points he disagrees with the statement or does not find it to be true?

Mr. SPEAKER: The question with which I am concerned is this: here is an adjournment motion of which notice has been given, and it has been said that this adjournment motion is to discuss the situation

arising out of certain orders by which meetings, associations and conferences in the Contai-subdivision with a view to discuss the question of rent or any matter incidental to it have been prohibited. Is that correct, Sir Bijoy?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, that is correct, Sir.

Mr. SPEAKER: I am afraid, in view of the statement, I have no right to go into the question of merits. I hold that this motion is in order. I think it would be convenient if it is kept over for tomorrow. If it is discussed to-day it may not be fully discussed, although ordinarily an adjournment motion should be discussed on the same day. I propose to fix the discussion of the adjournment motion to-morrow at 6 o'clock.

Mr. SYED JALALUDDIN HASHEMY: Sir, what about my adjournment motion. May I submit in this connection that the Chief Whip of the Government Party made it quite clear that they are quite prepared to discuss this matter of adjournment. Therefore it is unnecessary for me to tell you anything about the importance and necessity of discussing this matter on the floor of this House. Government have thrown out a challenge——

Mr. SPEAKER: I am not concerned with what party has thrown out a challenge or not. My difficulty is that both the motions have been moved and I have to decide to which motion I am to give permission. I have my full sympathy with the object of Mr. Hashemy's motion but my difficulty is that for the time being without entering into the question of merits at all I cannot accept more than one motion: I am absolutely debarred from doing so. If you have got anything to say as to how this can be admitted I will consider the question.

Mr. SYED JALALUDDIN HASHEMY: This is a matter of great importance affecting the rights and privileges of the members of this House. If you allow me I can move a privilege motion and that is fully within your power to allow.

Mr. ABDULLA-AL MAHMOOD: I think Sir, it does not come under that purview.

Mr. J. C. GUPTA: I made it quite clear yesterday that this matter is a matter of privilege of the members of this House and as a privilege motion, it does not require any notice and no leave has to be obtained. It is entirely in your discretion to allow discussion on

a matter which is a motion of privilege and I submit that we shall be given this opportunity of discussing the matter.

Mr. SPEAKER: To be frank, so far as this motion is concerned, I personally have my considerable doubts whether it can be tabled in the form of an adjournment motion at all. But I do not enter into the question as the rule debars me from taking up any other adjournment motion to-day. If a suitable resolution concerning the privilege of the House is tabled by the honourable member or any other member, I shall certainly consider the question on its merits. For the time being, I feel that the matter as to whether a member is molested for his conduct inside the House is *prima facie* a question of privilege of this House; whether we can take any step in this matter is a different matter: that is a matter which will be taken up later on. But I think it is possible to hold that *prima facie* it is a question of privilege if a member is molested even outside the House. I shall certainly consider the question on its merits if it is tabled in the form of a resolution.

GOVERNMENT BUSINESS.

The Bengal Expiring Laws Bill, 1938.

Maulvi ABDUL BARI: Before you take up the consideration of the Bengal Expiring Laws Bill, may I rise on a point of order?

Mr. SPEAKER: I think it is better for the Hon'ble Mr. Sarker to move the amendment first.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to move that the following amendment made by the Council to clause 2 of the Bengal Expiring Laws Bill, 1938, be taken into consideration:—

"That to clause 2, the following proviso be added, namely:—

'Provided that clause (7) of section 7 of the Indian Stamp (Bengal Amendment) Act, 1935, shall not continue in force after the 31st May, 1938'."

Mr. SANTOSH KUMAR BASU: Mr. Speaker, Sir, I rise on a point of order. My submission is that it is not competent for this House to consider this amendment which has been placed before the House for its consideration by the Hon'ble the Finance Minister. The amendment which has just been read out runs thus: "Provided that clause (7) of section 7 of the Indian Stamp (Bengal Amendment) Act, 1935, shall not continue in force after the 31st May 1938."

Now, Sir, this clause (7) which ought to be called sub-section 7 of section 7—the expression "clause" is wrong—sub-section 7 of section 7 of the Indian Stamp (Bengal Amendment) Act, 1935, is in these terms: "In Article 14 for the entry '6 annas' in the second column the entry '8 annas' shall be substituted." Now, Sir, this Article 14 occurs in the Indian Stamp Act and begins in these terms: "Bill of lading including a through bill of lading—proper stamp duty, 6 annas." By the Bengal Amendment Act of 1935 this 6 annas stamp duty was raised to 8 annas stamp duty. At the time this Bengal Amendment Act was passed in 1935, the Bengal Legislature had the power to make laws in respect of bills of lading. But in the year 1935 the present Government of India Act was passed. It is provided in sub-section 1 of section 100 of the new Government of India Act that "notwithstanding anything in the two next succeeding sub-sections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act (hereinafter called the 'Federal Legislative List')."

On a reference to the Federal Legislative List it is found that the list enumerates a large number of subjects and item No. 57 in the list is as follows:—

"The rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, proxies and receipts."

Therefore, the rate of stamp duty in respect of bills of lading is a federal subject and the Bengal Legislature has no power to express any opinion upon that subject.

Now, the original Bill which was introduced in this House by the Hon'ble the Finance Minister did not contain any provision with regard to non-continuance of the provision for the higher stamp duty in respect of bills of lading and all the provisions of all the different laws mentioned in the schedule to this Bill were sought to be continued after their expiry *in toto*. In that form the Bill emerged from this House. No exception whatsoever was made in respect of bills of lading. When the Bill went to the Bengal Legislative Council, evidently the Council thought it necessary to make this amendment which now finds place in the Bill as it has emerged from the Bengal Legislative Council. The question is whether this amendment it is competent for this House to consider.

My submission to you would be that as this amendment provides that the higher duty will not be charged in respect of bills of lading after the 31st May, 1938, it invites this House to pronounce its opinion upon a matter which is a federal subject. I submit that although the

provision is of a negative character inasmuch as it says that the provision in the Amendment Act in respect of bills of lading shall not continue in force after 31st May 1938, it does not make any difference. We are asked by this amendment to legislate that the higher rate of stamp duty in respect of bills of lading will not be continued after the 31st of May, 1938. That is clear encroachment upon the Federal List and is, therefore, beyond our competence. If we cannot enact a law in respect of bills of lading, we cannot certainly repeal a law in respect of bills of lading, because it would be enacting a repeal of the law on the subject.

Supposing there is an adverse vote and this amendment is defeated, the result will be that this House will decide that the provisions with regard to bills of lading will continue in force in the Bengal Act.

Supposing, on the other hand, this amendment is carried, and it is decided by this House that this provision with respect to bills of lading shall not continue after the 31st May, 1938, even then it would be open to this House to repeal that provision later on because the power to enact carries with it the power to repeal. So all these difficulties will arise if this House is invited to express its opinion upon this question, namely, as to whether the continuance of this higher stamp duty in respect of bills of lading should be sanctioned or not. I would submit that it is essentially a matter for the Speaker to decide whether it will be put to the House or not. Our Rules and Standing Orders say that an amendment which has been passed by the Bengal Legislative Council will be moved in the Assembly, by a member of the Government, if the Bill is a Government Bill, for being taken into consideration, and when that motion is carried, the Speaker shall put that amendment to the vote of the House. In other words, there will be no option left to the Speaker after that consideration motion is carried but to put that amendment before the House, however *ultra vires* it may be on the part of the House to consider that amendment.

I draw your attention to a passage occurring at pages 176 and 177 in Sir Erskine May's Parliamentary Practice, Twelfth Edition, where it is stated that in accordance with the duty of the Speaker he declines to submit motions to the House which are out of order. Therefore, although our rules provide that if this consideration motion is carried, the Speaker shall be bound to put this motion before the House, if the Speaker holds that it is not competent for the House to consider this matter at all because it trenches upon the power of the Federal Legislature, it will be open to the Speaker not to put this amendment before the House. I would submit that this motion cannot be taken into consideration.

There is another important matter and it is this: You will find that Article 5 of the Indian Stamp Act relating to agreements for the

sale of bills of exchange is on the same footing. And the proposed amendment even if carried by this House will only exclude the bill of lading from the purview of this bill, but the bill of exchange will continue to remain as before, although it is no longer a provincial subject. Therefore, this House is enacting a provision with regard to the bill of exchange quite apart from this amendment relating to the bill of lading. This amendment does not touch that provision of the bill which is absolutely, frankly and admittedly *ultra vires*. I submit that we have been landed in a difficulty and it is for you, Sir, to extricate us from the quagmire.

Maulvi ABDUL BARI: My point of order is exactly the same as that of Mr. Bose.

I would only like further to add this that a definite ruling has been given in another House——

Mr. SPEAKER: I am not prepared to hear it

Dr. NALINAKSHA SANYAL: May I rise on a point of order on the point of order? My difficulty is that section 71 of the Government of India Act clearly lays down that this House has not the status of a Court, and you have not accordingly the status of the Judge of a Court. Section 87 also says that the validity of any proceedings of a Provincial Legislature shall not be called in question on the ground of alleged irregularity of procedure. I submit that this question of competence of this House can only be raised in a proper Court of Law and so far as such questions are concerned, the Federal Court has been instituted.

Mr. TULSI CHANDRA GOSWAMI: That is after the thing has been enacted.

Dr. NALINAKSHA SANYAL: If there is anything that may be contrary to the provisions of the Government of India Act, passed by the Provincial Legislature, it is perfectly clear that such portion will not be operative. If this House, as was done elsewhere, wastes its time over questions of this nature, we do not know where we shall be landed, because once you give your ruling and that ruling is such that the Court of Law may have to revise it, then section 87 will come in the way. Section 87 will not permit such a ruling to be questioned in a Court of Law. Therefore I submit that you should not be pleased to give any ruling on a question of this nature but leave it for a Court of Law to decide.

Mr. SANTOSH KUMAR BASU: I am very glad to hear Dr. Nalinaksha Sanyal complaining of waste of time.

Mr. FAZLUR RAHMAN: Mr. Bose has submitted by referring to a passage in May's Book that the Speaker in spite of the standing rules has the right not to put an amendment to the House when it is out of order, but that does not mean that the legislature is not competent to discuss that matter. That is May's reference. Therefore I submit that I agree with Dr. Sanyal that it is a matter for the Court to decide whether this House is competent or not; so this House may decide whether it is going to take it into consideration or not. If this House is going to consider it I submit that it is not for you to decide whether this House is competent or not. If it is out of order in that case only you may not submit it to this House Therefore I submit that it is in order, and should not be ruled out of order.

Mr. SPEAKER: I might at the outset deal with some of the preliminary points that have been raised.

As regards the point of Dr. Sanyal about section 87, I think you will see that the terms of section 87 deal with irregularity of proceedings and in law there is a good deal of distinction between irregularity and illegality of proceedings. It is only in a matter of irregularity that a Court cannot interfere, but where a question is of a patent illegal nature and a properly constituted authority decides that it is illegal on the face of it then the Court can go into the question and make adjudication in the matter.

So far as the question of competency of the Speaker to decide this matter is concerned, I am in a little difficulty. That difficulty is this that on the one hand it has been argued that it is not desirable for the Speaker to give a decision on the matter; on the other hand it has been argued that unless the Speaker decides whether a motion is in order or not, he cannot put it to the House. I feel that it is the inherent duty of every Speaker to see that an amendment or a motion which is placed before the House is in conformity with the law. Therefore, since a question has been raised as regards the competency of this House, to discuss the matter, with a view to enable me to consider whether I shall have to put that motion or not, and no further, I shall have to decide the matter. I am not entering into the question as to the merits of the case. I confine myself merely to decide on the technical point, namely, whether the motion is to be placed before the House or not. The Speaker has to decide because, short of that, the legislature may be deciding matters which might later prove to be illegal and irregular, etc., and the Speaker, knowing that these are violations of the law and Standing Orders, will practically be a party to the House going on with the matter; and the result will be that in any legislature the majority party will be able to enact even illegal laws even though, obviously, they are not permitted to do so. That is not consistent with the functions of a legislative chamber.

The matter is a very important one, because it enters into the question of the resources of the province, as to whether the Provincial Legislature is competent to legislate on the continuance of certain taxation measures due to expire about the end of May, 1938, and with particular reference to certain other matters, namely, Bills of Lading and Bills of Exchange. I have not gone into the matter very carefully as yet, and therefore am not ready in full on this subject, but I had prepared a note on the competency or otherwise of this House some time back when this Bill was first brought into this House for consideration, and I hope the House will extend to me the indulgence of listening to it—even though it be a bit lengthy—on the ground that I feel that an important matter like this requires a decision. This note may be taken as my ruling in the matter before us.

Mr. Speaker's Ruling on the competency of the Legislature to pass certain taxation measures.

The question for decision is whether the provincial legislature is competent to legislate for the continuance of certain taxation measures due to expire about the end of May, 1938, and the specific matter before me is with reference to Bills of Lading.

The report of the Joint Select Committee and other Parliamentary papers and proceedings will show that the scheme of provincial autonomy has been so framed that the executive and the legislative authority of the province may act within a precisely definite jurisdiction and in an exclusively provincial sphere broadly free from control by the federal Government or the federal legislature and with a specific allocation of resources. This was a definite departure from the previous system under which the provincial Government exercised a devolved and not original authority. But any precise allocation of the sources of revenue between the federation and the federal units, each with independent power, was not an easy task and while an attempt was made as far as possible to aim at a rigid separation of the sources of the revenue between the centre and the provinces, there was also the problem of placing adequate resources for the development of the needs of the provinces with their inexhaustible field for social and economic services. The working of the reforms of 1920 made it abundantly clear that a scheme of even radical reforms cannot have any chance of reasonable success with inadequate financial resources. The financial adjustment between the provinces and the federation had therefore to be so made that the difficulties of the provinces might not be aggravated to a dangerous extent with the inauguration of the new constitution.

Working on these principles and considerations, the India Act of 1935 first separated outright certain sources of revenue and allocated them either to the province or to the federation. Certain heads of

revenue which were till then levied and applied for the purpose of a province were in the process of separation transferred to the federation, which would have crippled the resources of the provinces at the very start of provincial autonomy. Section 143 of the India Act, therefore, specially provided that any taxes, duties, cesses or fees which were being lawfully levied by the provinces immediately before the introduction of the new constitution, by virtue of a law in force on the first day of January, 1935, will continue to be levied and applied for provincial purposes, until provision to the contrary is made by the federal legislature, notwithstanding such taxes, duties, cesses and fees being included in the federal list.

But this by itself was no solution of the entire difficulty. Some of the provinces at least had increased and new taxation levied under various Acts, but enforced with effect from a date subsequent to the 1st of January, 1935, and such provinces with the introduction of provincial autonomy would, it was feared, have some of their resources affected, which were till the 1st of April, 1937, available to them, where such taxes were included within the federal list. Under section 310, His Majesty's Government had the power by an Order-in-Council to make temporary provisions to enable the business of the provincial Governments to carry on for a limited period and, therefore, on the 18th of March, 1937, India and Burma (Transitory Provisions) Order was promulgated under the provisions of which reference to the 1st of January, 1935, in section 143 of the India Act was deemed to mean 1st of April, 1937, for a period of two years, but subject to this nothing in the provision of this Order-in-Council "shall continue any taxation beyond the time it would continue if the India Act had not been passed."

Let us now examine the case of the stamp duty on bill of lading. The Indian Stamp Act of 1899, in Schedule I, Article 14, imposed a stamp duty of four annas on bills of lading. By item 20 of Schedule I, Part 2 of the Devolution Rules, promulgated under the Government of India Act of 1919, non-judicial stamp and judicial stamp became provincial subject of legislation, subject to the right of the Indian Legislature to legislate in certain manner. Rule 14 of the Devolution Rules further allocated all receipts accruing in respect of provincial subjects to the provinces. Stamp duty including duty on bills of lading thus became a source of provincial revenue. Under Bengal Stamp Amendment Act of 1922 a stamp duty of six annas was placed permanently on bills of lading. On the 1st of January, 1935, bills of lading were thus liable to a stamp duty of six annas for provincial purposes.

By clause (7) of section 7 of the Bengal Stamp Amendment Act of 1935, the stamp duty of six annas was increased to eight annas to be operative for a period of three years with effect from the 1st of June,

1935. This increased duty of two annas extra would cease to operate from the 1st of June, 1938, whence the original duty of six annas will revert. The Bengal Expiring Laws Bill, as originally passed in this Assembly, proposed to retain this increase of two annas substantively with effect from the 1st of June, 1938, until of course federal legislation may intervene in terms of the provisions of section 143 of the India Act.

The legal position immediately before the introduction of the new provincial constitution was that stamp duty on bills of lading was being lawfully levied under Bengal Stamp (Amendment) Act of 1922, as amended by Bengal Amendment Act of 1935. The right to levy this stamp duty was still under the provisions of the Act of 1922, which was in force on the 1st of January, 1935, but the amount of duty was determined by the Act of 1935, which came into operation after the 1st of January, 1935, and here it may be specially noted that the Act of 1935 does nowhere give any right to collect this duty on bills of lading, beyond determining the amount. The column noting the description of the taxable instrument in Article 14 of Schedule IA of the 1922 Act was not in any way changed or substituted by the Act of 1935—only the column fixing the proper stamp duty was changed for a period of three years, the intention being that the entry of the amount of duty in the Act of 1922 was to revert after the lapse of three years. I hold therefore that in terms of section 143 of the India Act it was the Act of 1922 which was still in force on the introduction of the new constitution and the right of levying the stamp duty was by virtue of the power vested under that Act.

This contention is further strengthened by the fact that section 143 does not say that the amount of any taxes or duties levied on the 1st of April, 1937, must be under an Act in force on the 1st of January, 1937. It deals with the power of the province to levy a tax and to retain a source of revenue for provincial purposes and is only indicative of the power of the provinces to retain certain sources of revenue and bears no relationship to the quantum of such tax. The provinces are empowered to retain for provincial purposes such taxes, duties, cesses or fees as are included in the federal list, until federal legislature provides otherwise—to retain such power as was exercised on the introduction of the new constitution under a law in force on the 1st of January, 1935. As the stamp duty on bills of lading was being levied immediately before the introduction of the new constitution under the law of 1922, which was in force on the 1st of January, 1935, I hold that this legislature has full power over bill of lading until provision to the contrary is made by the Indian Legislature.

Now the Order-in-Council went further than what was given to the provinces by section 143. Such taxes as were levied immediately

before the introduction of the new constitution under a law in force later than 1st of January, 1935, were also to be retained by the provinces for a period of two years from the 1st of April, 1937—unless of course the federal law intervenes earlier. It is said that sub-paragraph (2) of clause (3) which says—"Nothing in this paragraph shall continue any taxation beyond the time for which it would continue if the India Act had not been passed"—takes away the power of the province to continue a temporary Taxation Act. There is no doubt that sub-paragraph (2) of clause (3) of the Order-in-Council is a little difficult to interpret. But I take it, any interpretation must be consistent with the scheme of section 143 and the purpose of clause (3) of the Order-in-Council. The entire purpose behind these is to give certain additional sources of revenue to the provinces until federal legislature provides otherwise. If it is agreed that the sole purpose is to allocate certain sources of revenue *until federal law provides otherwise*, the Order-in-Council cannot mean to take away the power given in the first portion of clause (3) of the Order-in-Council, viz., to retain such sources for two years so long the federal law does not intervene. If the substantive purpose is to empower the province to retain a source of revenue until federal legislature provides otherwise, the only reasonable interpretation of clause (3) of the Order-in-Council is that the province has power to retain such taxes as were levied under laws in force from or after the 2nd of January for a period of two years and if the law levying such tax expires within the period of the said two years, the province can take necessary legislative measure to keep it on for two years from the 1st of April, 1937. Supposing the Stamp Act for the bill of lading was not in force on the 1st of January, 1935, but came into operation from the 2nd January or thereafter. Even if such a law was a substantive permanent law, such levy could not be applied for provincial purposes beyond 31st March, 1939. If such law was a temporary law, in force, say up to December, 1938, it could not be used for provincial purposes thereafter, merely by the effect of the power given in the Order-in-Council for retaining it for two years, but that the provincial legislature must extend the operation of the law and continue the Act, up to the limit of two years, as defined. In other words, the Order-in-Council in such circumstances means that such taxes would not continue beyond the period for which it would continue, under the same law by which it is levied without fresh legislation and in any case not beyond March, 1939. The power to continue or retain for two years is not the automatic effect of the Order-in-Council, in case where such taxation is on the basis of a temporary Act, ceasing to operate earlier, within the period of two years,—but that it must get sanction of a fresh legislation, subject to the intervention of the federal legislature at any stage. The continuance of the power to retain beyond March, 1939, depends whether the law was in force on the 1st of January, 1935; if it is a law in force after the 1st of January,

1935, the province can keep it for two years and even if the term of the law expires within the period of two years, the province can retain it by fresh legislative sanction up to two years. Until the federal law provides otherwise, even if a law in force on the 1st of January, 1935, expires, the province can keep it on by fresh legislative sanction. In the case of law in force after the 1st of January, 1935, it will revert to the federal list after two years from the 1st April, 1937, unless the federal law provides otherwise earlier. In the case of law in force on the 1st of January, 1935, it will remain a provincial source of revenue for any length of period until federal law decides otherwise. But in both cases such taxes must be actually levied by the province immediately before the commencement of the new constitution.

The question remains whether we have got the power to restore the stamp duty of eight annas instead of six annas. Section 143 does not say that the amount or quantum of any tax or duty is to be governed by the same law as was in force on the 1st of January, 1935, nor does it say that the continuance of the tax for provincial purposes after the 1st of April, 1937, must be on the basis of the same enactment. This section was not intended as any restrictive provision with a view to continue the same law or to deprive the legislature of the power to extend the operation of the law until of course the federal law intervenes. It does not mean that it must be the same provision, the same enactment and to the same extent and in the same manner. It only says that such taxes may continue to be levied and to be applied to the same purpose. It was not with view to keep the same law in force but to retain the same power in the provinces. If the province has therefore the power to continue to levy the tax, it can levy in such manner as it chooses. It can reduce the amount, it can increase the amount. Any other position would be inconsistent with the scheme of provincial autonomy.

There is just one matter which I need briefly refer to. It is said that the legislative authority of the province is solely on the basis of Part V of the Government of India Act and not on the basis of Part VII and therefore this legislature cannot legislate unless this power is to be found within the four corners of Part V. This view forgets the fundamental corner-stone of the present constitution, viz., that no money can be levied without the sanction of the legislature behind. Under section 143, taxes levied under a law in force on the 1st of January, 1935, would continue to be levied and applied for provincial purposes until federal legislation provides otherwise. Supposing such a law was a temporary Act due to expire on the 31st of December, 1938, and the federal legislature does not make any contrary provision till 1950. Are we to suppose that in spite of such tax being a source of provincial revenue the provinces must lose this source of revenue in the absence of a fresh legislative provision even though the federal legislature does not come

in to make any provision to the contrary till 1950 or will it be contended that the provincial Government will continue to levy the tax without fresh legislative sanction with effect from the 1st of January, 1939? That will be against the spirit of section 143 and the spirit of the constitution and I need only say that every Act has to be read as a whole and not by a compartmental division of chapters or by headings, headlines and marginal notes, which are after all a convenient description of little statutory validity.

I admit that the question is not free from difficulty and all interpretations are often such that it may be possible to hold a different view, but where the principle of constitution is in favour of provincial autonomy, where for the stability of provincial finances, certain sources are given to the province, I should give the most favourable interpretation in favour of the province until the proper authority gives a final interpretation to the matter.

I hold that this legislature has full power to deal with stamp duty on the bill of lading, until the Federal Legislature makes any provision to the contrary.

Dr. NALINAKSHA SANYAL: May I at this stage move a privilege motion that further consideration of the Bill as amended by the Council be postponed till to-morrow or such date as copies of the Stamp Act, 1935, are available in the library? I submit, Sir, that since this Bill was circulated to us I have been trying to get hold of a copy from the library which is meant for the members of this House. To-day I came at 5 o'clock and found not a single copy available there. The librarian in charge after a good deal of search got hold of a copy after 45 minutes, and as he was going to hand that over to me, a certain deputy magistrate came and demanded the copy, and he was given the copy in preference to my humble self. It is a gross breach of the privilege of the members for whom only the library is constituted. Under the circumstances, I submit that till library copies of such books are available, particularly those with reference to the bills before the House, I beg of you, Sir, that such bills be not proceeded with.

Mr. SPEAKER: I am very sorry to hear of this incident. I will certainly make an enquiry into the matter and see that such things do not recur in future, and that necessary steps are taken to meet the complaint you have made. I propose that henceforth in connection with all Bills that may be brought before the Legislature, an adequate number of copies of books required should be available in the library.

The Hon'ble Mr. NALINI RANJAN SARKER: I beg to submit that 5 copies of the Stamp Act, 1935, were supplied to the library.

Mr. SPEAKER: I think, we may require more copies. But that is a matter of detail which we can settle later on. I hope, Dr. Sanyal, for the time being you will not press this matter further.

Dr. NALINAKSHA SANYAL: The Hon'ble the Finance Minister says that 5 copies were supplied, but I submit, not a single copy was available till 4-45 p.m. when some Deputy Magistrate took the one available copy away.

The amendment made by the Bengal Legislative Council to clause 2 of the Bengal Expiring Laws Bill, 1938, be taken into consideration:—

"That to clause 2, the following proviso be added, namely:—

'Provided that clause (7) of section 7 of the Indian Stamp (Bengal Amendment) Act, 1935, shall not continue in force after the 31st May, 1938'."

moved by the Hon'ble Mr. Nalini Ranjan Sarker was then put and agreed to.

Dr. NALINAKSHA SANYAL: As I have submitted that the matter be postponed till to-morrow, it does not look very nice for me, to move an amendment, still as you have not given a ruling, I have to do it.

Mr. SPEAKER: Have you, Mr. Sarker, seen the amendment of Dr. Sanyal? I am not very happy over it. I think, if you have no objection, it can be taken up to-morrow.

The Hon'ble Mr. NALINI RANJAN SARKER: Let us finish it to-day, Sir. This amendment in my opinion is not an improvement, but even if be so, if it is accepted, it amends section 2. Then there is another thing. If it is amended here, it will again have to go to the Upper House.

Mr. SPEAKER: That is a feature which in the interest of everybody we have got to consider.

Dr. NALINAKSHA SANYAL: Sir, I have made it perfectly clear on a previous occasion that I at any rate would not allow the slightest modification to a money Bill being made by the other House, and that I do on two grounds. One of them is that, when it is felt that certain important changes to which subsequent attention is drawn are necessary, we may impose changes on our own volition. It may happen that we concur with the decision of the Council, but we

shall do it on our own account. That has been the practice in the House of Commons before it was definitely decided after the Parliament Act of 1911 that money bills and certain matters would not be discussed in the House of Lords.

Maulvi ABDUL BARI: On a point of order, Sir. The point for consideration is whether Dr. Sanyal is moving his amendment or not.

Mr. SPEAKER: That is what he is explaining and he is perfectly within his limits.

Dr. NALINAKSHA SANYAL: Sir, I want this House to realise that in this case involving money matters the Council has stepped in and changed certain provisions. So far as the merit of the change is concerned, my draft and the change made in the Council by the proviso are just the same. But there is this important difference that I want the change to be put in the schedule on the volition of this House. The schedule may be suitably modified and the wordings may be so changed that it would be merely a consequential change. I submit that in that event this has not got to go back to the Council, provided the change is merely of a consequential nature, because the spirit will remain there that whatever the Council want to be introduced will be there and will not be changed. On these two grounds I proposed to move the amendment but I am prepared to bow down to your ruling on this. If you say in your ruling that there is no necessity for an amendment of the nature I propose, I am not prepared to press it.

Mr. SPEAKER: I would advise you not to press for a decision on this question. This is a very complicated matter. So far as the power of this House is concerned, I think it is the feeling of everybody that this House has the full power over money Bills. But, I would advise you not to proceed with your amendment.

Dr. NALINAKSHA SANYAL: In that case, I am not going to move the amendments standing against my name.

The amendment made by the Bengal Legislative Council to clause 2 of the Bengal Expiring Laws Bill, 1938, viz.,

"That to clause 2, the following proviso be added, namely—

"Provided that clause (7) of section 7 of the Indian Stamp (Bengal Amendment) Act, 1935, shall not continue in force after the 31st May, 1938'."

be agreed to, moved by the Hon'ble Mr. Nalini Ranjan Sarkar, was then put and agreed to.

The Calcutta Official Receiver's Bill, 1938.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I beg to move that the Calcutta Official Receiver's Bill, 1938, as reported by the Select Committee be taken into consideration.

I hope you will pardon me, Sir, if at this stage, when the matter has been understood by all of you, I want to tell you only this much that I am not asking this House to create a new post that is not already existing. What I have been asking this House to consider is that simply the power that the High Courts so long exercised over the Official Receiver should be transferred to the Government of Bengal, and I do not believe that this House which has control over the Government of Bengal will hesitate to pass a Bill like this, and to get power over something over which they had no control before. That being the position, I think you will pardon me if I would again repeat that a lot of objectionable motions of amendments has been proposed on the belief that a new thing is being organized here for the enjoyment of all of us. I can tell you that that is not case. If you will read the provisions of the Bill you will find that so far as the Official Receiver is concerned, the present holder of that post will continue in his appointment till the term of his service expires. I do not know how many years it will take for us to get a new man placed there. So all the amendments that my friends have proposed I believe would be of no value for a large number of years. That being the position I hope the members will withdraw all the amendments that they have proposed in respect of the qualification or the personnel of such an office. If all these amendments are withdrawn, we can go away in five minutes' time with the Bill passed into law. That being the case, I would request my friends not to move their amendments.

The motion that the Calcutta Official Receiver's Bill, 1938, as reported by the Select Committee be taken into consideration, was then put and agreed to.

Clause 1.

The motion that clause 1 stand part of the Bill, was put and agreed to.

Clause 2.

Mr. SPEAKER: As regards clause 2, don't you think Mr. Manmatha Nath Roy that your amendment is wholly unnecessary?

Mr. MANMATHA NATH ROY: In the first place it is an error because it is an amendment not to clause 2 but to clause 11. The office has made a mistake.

Mr. SPEAKER: Even if it is to clause 11, don't you think that that is absolutely the cardinal principle of all rules that it cannot be inconsistent with the substantive provisions of an Act.

Mr. MANMATHA NATH ROY: Sometimes difficulty arises and the matter is dragged to the Court, and the Court will ultimately decide whether the rule is *ultra vires* or *intra vires*.

Mr. SPEAKER: Even so it is unnecessary. The question before the House is that clause 2 stand part of the Bill.

The motion was put and agreed to.

Mr. ATUL KRISHNA GHOSE: Sir, I beg to move that in sub-clause (*1*) of clause 3, in line 2, the words "or more" be omitted.

Mr. Speaker, Sir, in support of this amendment I have got to say only one word and that is this: The administration of justice is already a heavy one. At the present moment there is only one Official Receiver and this state of things have been going on for a long time. I understand the significance of appointing one Deputy Official Receiver, because of the heavy pressure of work in that Department It may be that in the absence of the Official Receiver one Deputy Official Receiver may be necessary. But if to-day we pass it as it stands "one or more", the net result may turn out to be in future times that any number of Deputy Official Receivers may be appointed, and expenditure will go very very high, and it may so happen that influential gentlemen may patronise this office by appointing their favourites. Only the other day in the course of a supplementary question when we enquired of the Nawab Saheb what system he was going to adopt in recruiting Munsifs, he gave a definite reply that it would be a system of selection which this Government was going to adopt. When we put a straight question what is the harm in appointing these officials by competitive examination, they did not favour that idea. And this brings many apprehensions from our side that these Deputy Official Receiver in large numbers may be appointed in future times to satisfy the whims or other objectives of different influential gentlemen. The House I think, Sir, will be unanimous in this respect that it is not desirable to enhance the expenditure any further, and since the administration is going on peacefully with one Official Receiver, it is needless to say that there is no necessity of more than one Deputy Official Receiver, and as such I would like to suggest that the words "or more" may be omitted from this clause.

Mr. SPEAKER: How does it help you? You do not change the word "Deputy Official Receivers"?

Mr. ATUL KRISHNA GHOSE: If my amendment is carried, it will run like this: "There shall be one Deputy Official Receiver." It cannot be "one Deputy Official Receivers." The letter "s" automatically goes out.

Mr. SPEAKER: That will be consequential. Do you move No. 11?

Mr. ATUL KRISHNA GHOSE: Yes, Sir.

Mr. SPEAKER: May I know what is the meaning of the words "independent practice"? This is absolutely unnecessary. I do not think the term "independent practice" can be used in law. I am afraid your motion No. 11 must go out.

Mr. ATUL KRISHNA GHOSE: Sir, will you not allow the word "independent practice"?

Mr. SPEAKER: I cannot understand what you mean by "independent practice"?

Mr. ATUL KRISHNA GHOSE: I mean a man who is not employed in some firm, but has got an independent business.

Mr. SPEAKER: That is not the meaning of the word "independent".

Mr. ATUL KRISHNA GHOSE: Sir, if you do not allow this amendment, the net result will be this, that men who have not got practice for more than ten or fifteen years, it is absolutely by favouritism that these undesirable gentlemen will step in.

Mr. SPEAKER: That is all right. But so far as your language is concerned, I do not see any meaning in it. You better ask your friends by your side.

Mr. ATUL KRISHNA GHOSE: No use asking my friends. The sense of the amendment is this. If you allow each and every novice to such responsible posts, what will be the result?

Mr. SPEAKER: I quite appreciate your intention. But your language is such that I think you should not move it.

Mr. ATUL KRISHNA GHOSE: Sir, if I do not move, the net result will be this that novices who have got no experience will become Deputy Official Receivers.

Mr. SPEAKER: Then you must leave the word "independent".

Mr. ATUL KRISHNA GHOSE: If you suggest so, I can take out the word "independent" and I will move my amendment in that form.

I beg to move that the Official Receiver must have a practice of fifteen years and the Deputy Official Receiver must have a practice of at least ten years.

Mr. SPEAKER: Mr. Datta! Do you move your amendment?

Mr. DHIRENDRA NATH DATTA: Sir, there are three amendments in my name, viz., 7, 9 and 15. With regard to sub-clause (2) of clause 3, it appears to me that so far as amendment No. 7 is concerned it is inconsistent with amendment No. 9. I cannot totally omit sub-clause (2) but I want that there should be a substitution.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Any how I shall have to move No. 7.

Mr. SPEAKER: Do you move No. 7?

Mr. DHIRENDRA NATH DATTA: I do not move No. 7, but I move amendment No. 9 and also I shall move amendment No. 15.

With regard to amendment No. 9 the clause requires that no person shall be appointed to the office of the Official Receiver who is not "an Advocate as defined in the Indian Bar Council's Act, 1926, or an Attorney enrolled by the High Court". It requires that an Advocate entered under the rules of the High Court and an Attorney of the High Court are entitled to be appointed as Official Receiver. I do not want that only Advocates of the High Court and the Attorneys of the same should be entitled to be appointed as Official Receiver. I also want that a Pleader as defined in the Civil Procedure Code should be appointed. The definition of "Pleader" includes, of course, the Advocates of the High Court and the Attorneys of the High Court, but I also want that a mufassil Pleader who has got substantial practice in the mofassil courts, should also be entitled to be appointed as Official Receiver. Mr. Speaker, Sir, you know that the mufassil Pleaders oftentimes are as comptent as the Advocates of the High Court, and the duties of the Official Receiver being such as generally to administer the estates the mufassil Pleaders can be equally competent to be

appointed as Official Receiver. So I beg to submit that it is not a question of jealousy when I say that the mufassil Pleaders should also be eligible to be appointed as Official Receiver. I feel that it is a question of fair justice in which I think, there shall not be any objection from the Government with respect to this. Mr. Speaker, may I move amendment No. 15 together.

Dr. NALINAKSHA SANYAL: Let us take them one by one.

Mr. SPEAKER: It is no use moving any more to-day.

Mr. DHIRENDRA NATH DATTA: So with these words, I move amendment No. 9:—

That in sub-clause (2) of clause 3 in lines 2 to 4 for the words "an Advocate as defined in the Indian Bar Councils Act, 1926, or an Attorney enrolled by the Court" the words "a pleader as defined in the Code of Civil Procedure, 1908" be substituted.

Dr. NALINAKSHA SANYAL: The Hon'ble the Nawab Sahib has stated, if I have heard him aright, that the Government propose to move amendment No. 7 themselves. If that is so, I submit that they will have to give proper notice of it and regarding that discussion cannot take place to-day.

Mr. SANTOSH KUMAR BASU: Even then there is one point, which I would ask the Nawab Sahib. He has been the Chairman of this Committee and the Committee has unanimously accepted that sub-clause (2) of clause 3 shall be omitted. Is it now open to him to run counter to the decision of the Committee of which he himself was the Chairman, and to table a motion contrary to that accepted by the Committee? If that be so, no self-respecting person will, I believe, in future accept an invitation of Government to serve on a Select Committee, if the decisions of such Committees are cast to the winds by the Chairman—the Minister himself.

Mr. SPEAKER: Any way, I think, we can solve the whole difficulty by adjourning the House till 6 p.m. to-morrow.

Adjournment.

The House was then adjourned till 6 p.m. on Wednesday, the 30th March, 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

The ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 30th March, 1938, at 6 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, eleven Hon'ble Ministers and 214 Members.

Adjournment Motion.

Mr. SPEAKER: Regarding the adjournment motion of which notice was given yesterday by Mr. Iswar Chandra Mal, I understand that the Hon'ble the Revenue Minister will make a statement and after that the Leader of the Opposition also will make a statement. Therefore in view of that I think we should take up that matter first.

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): My hon'ble colleagues, the Home Minister, the Finance Minister and myself met the Leader of the Opposition and the M.L.A's from Midnapore regarding the situation in that district. We discussed this question and a satisfactory solution has been reached. Government propose to issue a Communique very soon declaring their policy regarding remission of the enhanced rent in all Government khasmahal estates in the district of Midnapore in conformity with the announcement made by me, at a public meeting held at Contai on the 22nd January last. And after this Communique leaflets will be issued by the Congress M.L.A's. for Midnapore requesting the tenants of the Contai khasmahal to pay up their rent at the old rates, and the Subdivisional Officer, Contai, will then withdraw the orders issued under section 144, Criminal Procedure Code.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, I am happy at the very satisfactory termination of the dispute in the Contai Subdivision. The policy which the Hon'ble the Revenue Minister has announced in this House this afternoon is a policy, which, I am told, he announced at a public meeting at Contai on the 22nd January last, but due to some difficulty about procedure that policy has not been formally announced up till to-day, and he proposes to do so within the next two or three days. On behalf of the Congress Party and of our Midnapore colleagues in particular, I give this assurance to the Hon'ble the Revenue Minister that as soon as the Government orders

are issued regarding remission of enhancement in respect of all Government dues in the Midnapore District, our Midnapore friends will issue leaflets calling upon the tenants to pay rent at the old rate. Those leaflets will be issued almost immediately after the issue of the Government communique on the lines indicated by the Hon'ble the Revenue Minister, and I understand that the Hon'ble the Revenue Minister and the Government have decided in consultation with the local authorities that, as soon as our Midnapore friends issue those leaflets, the Subdivisional Officer, or the appropriate officer as the case may be, will issue orders withdrawing the notices and orders given under section 144, Criminal Procedure Code. I congratulate both sides of the House on this satifactory termination (Cheers).

Mr. ISWAR CHANDRA MAL: Having regard to the announcement made by the Hon'ble the Revenue Minister I beg leave of the House to withdraw my adjournment motion.

Mr. SPEAKER: Your adjournment motion is not yet before the House. The only thing, therefore, that you need do is not to ask for leave.

I must say that I am very glad that this matter of enhanced rent in the Contai Subdivision has had such a happy ending.

Mr. SPEAKER: We begin with Starred question No. 324.

Mr. DHIRENDRA NATH DUTTA: So far as I remember, Sir, a supplementary question was asked on No. 323 to which an answer yet remains to be given.

Mr. SPEAKER: No, I think question No. 323 was entirely finished.

STARRED QUESTIONS

(to which oral answers were given)

Presidency General Hospital, Calcutta.

***324. Mr. J. W. CHIPPENDALE:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that the Presidency General Hospital refuses to render first-aid to those taken there as the nearest hospital in emergency cases;

(*ii*) that this refusal is based on the ground that to do so would deprive private doctors of a living;

(*iii*) that this policy is openly declared;

(*iv*) that a little girl aged three years and ten months was taken there on the 18th February, 1938, with a fracture of the right forearm (the lower ⅓ shafts of radius and ulna); and

(*v*) that this hospital refused to render first-aid and directed the mother to take the infant to a certain private doctor by name?

(*b*) If the answer to (*a*) is—

(*i*) in the affirmative, will the Hon'ble Minister be pleased to state whether Government consider it desirable to take steps to remedy matters; if so, when; and

(*ii*) in the negative, will the Hon'ble Minister be pleased to state whether he intends to make an enquiry into the matter?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) (*i*) to (*iii*) No. First-aid is not refused in emergency cases in the Presidency General Hospital.

(*iv*) and (*v*) The facts are reported to be as follows:—The child was brought to the Hospital on the 18th November, 1937, in the evening with a fracture of the right forearm. The officer on duty examined the child and made the arm as comfortable as possible. The officer on duty was busy with several serious cases and an X-Ray mechanic was not immediately available. It was understood that the mother of the patient was prepared to pay outpatient's charges for an X-Ray photo. She was accordingly asked to take the child for the purpose of being X-Rayed to the Honorary Radiologist of the Hospital who lives quite close by, with a view to saving time, unnecessary pain and discomfort which an extra manipulation would have entailed.

(*b*) Does not arise.

Mr. J. W. CHIPPENDALE: In view of the answer given is the Government prepared to receive the letters written by the doctors themselves and act upon the same which is absolutely contrary to the version now given?

The Hon'ble Mr. SYED NAUSHER ALI: I am prepared to hold a thorough enquiry on these letters if the hon'ble member will kindly hand them over to me.

Mr. SPEAKER: I request hon'ble members that in view of the fact that there are a very large number of questions still pending they will kindly put as few supplementary questions as they consider essential.

Local Board elections in Midnapore.

***325. Mr. DEBENDRA LALL KHAN:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that the Government have ordered the next Local Board elections in the district of Minapore to be held during the coming rainy season?

(*b*) Is the Hon'ble Minister aware that the rainy season is the most inconvenient period for that purpose in the mufassal?

(*c*) Are the Government considering the desirability of reconsidering their decision?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) No.

(*b*) and (*c*) The questions do not arise.

Mr. DEBENDRA LAL KHAN: Will the Hon'ble Minister be pleased to state when he proposes to hold the Local Board elections in the district of Midnapore?

The Hon'ble Mr. SYED NAUSHER ALI: I understand the elections will be held next cold weather.

Chaukidars and dafadars.

***326. Khan Sahib Maulana AHMED ALI ENAYETPURI:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) how many Union Boards are in every district of Bengal;

(*b*) what is the number of *chaukidars* and *dafadars* of every district of Bengal;

(*c*) how much money is spent for maintaining the *chaukidars* and *dafadars* in every year in every district of Bengal;

(*d*) whether the money is expended for maintaining *chaukidars* and *dafadars* from any fund besides Union Fund; and

(*e*) if the answer is in the affirmative—

(*i*) then from what fund, and

(*ii*) what is the amount of that money?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) to (*c*) A statement is laid on the table.

(*d*) No. The cost is entirely met from the Union Fund.

(*e*) Does not arise.

Statement referred to in the answer to clauses (a) to (c) of starred question No. 326.

Name of district.	Number of Union Boards.	Number of *chaukidars*.	Number of *dafadars*.	Annual expenditure for maintaining *chaukidars* and *dafadars*.
1	2	3	4	5
				Rs.
Burdwan ..	208	2,807	224	2,30,454
Birbhum ..	174	2,284	187	1,87,021
Bankura ..	183	2,037	214	1,42,821
Midnapore ..	143	5,467	483	3,46,413
Hooghly ..	126	1,673	150	1,38,769
Howrah ..	82	925	83	89,454
24-Parganas ..	165	2,900	269	2,13,997
Nadia ..	265	2,476	267	2,07,730
Murshidabad ..	158	2,034	175	1,47,471
Jessore ..	261	2,778	263	2,42,129
*Khulna ..	200	1,888	204	1,72,775
Dacca ..	316	2,995	333	2,70,169
Mymensingh ..	469	6,212	686	5,13,120
Faridpur ..	237	2,880	388	2,97,684
Bakarganj ..	287	5,280	465	3,52,128
Chittagong ..	184	2,293	202	1,32,982
†Tippera ..	254	2,742	256	2,56,925
Noakhali ..	146	1,804	250	1,41,990
Rajshahi ..	190	2,377	249	2,24,488
Dinajpur ..	279	3,695	328	3,01,320
‡Jalpaiguri ..	138	1,271	142	1,07,841
Rangpur ..	317	3,946	415	3,33,647
Bogra ..	129	1,383	180	1,39,098
Pabna ..	148	1,986	210	1,68,684
Malda ..	91	1,309	179	1,16,322
**Darjeeling ..	24	144	24	13,224
Total ..	5,174	67,586	6,826	54,88,856

*This includes 166 union boards and 34 *chaukidari* unions.

†The Village Self-Government Act is in force in 9 thanas of the Sadar subdivision. The whole of the Alipur Duars subdivision and 3 thanas of the Sadar subdivision are non-union board area and Panchayet system prevails there. The figures in columns (3) and (4) are for the whole of the district including union board and non-union board areas.

‡This includes 253 union boards and 1 *chaukidari* union.

**This includes only one union board in the Siliguri subdivision and 23 *chaukidari* unions.

Mr. ATUL KRISHNA GHOSE: With reference to question (*d*) in view of the discontent that has been amply proved to exist by the cut motion, will the Government consider the desirability of relieving the Union Boards from the heavy expenditure that is incurred over the pay of the chaukidars?

Mr. SPEAKER: I must say that this question does not arise.

Mr. ATUL KRISHNA GHOSE: It arises in this sense, Sir,—

Mr. SPEAKER: I have more than once explained that, if there is any defect in the answers and if you want to elicit more information about the questions themselves, it is then only that a supplementary question arises. But in your case it is a new point that you raise; therefore, there cannot be any supplementary question on that point, and the chaukidari matter is such a comprehensive affair that on that subject you can put any number of new questions.

Mr. ATUL KRISHNA GHOSE: I submit, Sir, that the question arises in this sense, that there was a discussion on the floor of this House—

Mr. SPEAKER: Which is the point that is not completely covered by the answer?

Mr. ATUL KRISHNA GHOSE: The cost of the chaukidars is met entirely by the Union Board funds, and in view of the recent discussions in the budget-session regarding the chaukidari tax and the cut motion which was so ably moved by Mr. Sasanka Sekhar Sanyal and thoroughly discussed in this House, I ask what will be the attitude of the Minister regarding this matter which has been condemned not only in this House but also by the public outside?

Mr. SPEAKER: If you will turn to rule 35 of our Assembly Rules and Standing Orders you will find that any member may put a supplementary question for the purpose of further elucidating any matter or fact regarding which an answer has been given. Surely, on this point no answer has been given and that is not in the question itself.

Nomination of members from the Scheduled Castes in local self-governing bodies.

***327. Mr. MONMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether there is any circular containing instructions for the nomination of members from the Scheduled Castes in local self-governing bodies?

(*b*) If so, has there been any nomination from the Scheduled Castes in the different municipalities of the Mymensingh district since the establishment of municipalities in the said district?

(*c*) If the answer to (*a*) is in the negative, do the Government contemplate the issue of such a circular?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Yes.

(*b*) One Scheduled Caste Hindu has been appointed a commissioner of the Jamalpur Municipality at the time of the recent reconstitution.

(*c*) Does not arise.

Mr. CHARU CHANDRA ROY: Am I to understand from the answer to question (*b*) that in no other subdivision has a Scheduled Caste man ever been appointed a Municipal Commissioner?

The Hn'ble Mr. SYED NAUSHER ALI: That is more than what I can answer without proper notice.

Mr. MONOMOHAN DAS: With reference to answer (*a*) will the Hon'ble Minister be pleased to enquire as to whether or not the circular is strictly followed by the local authorities concerned and the cause of the scheduled castes is very badly neglected?

The Hn'ble Mr. SYED NAUSHER ALI: I can assure the honourable member that since I came to office, I have tried my best to see that Scheduled Caste people are appointed in local bodies.

Municipalities in Bengal.

*328. **Khan Sahib HAMIDUDDIN AHMAD:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing for the present time—

(*i*) the number of municipalities in Bengal;

(*ii*) the number of municipalities where (1) the Hindus have been declared minority community, and (2) where the Muslims have been declared so; and

(*iii*) where no reservation of seats for any community has been made?

(*b*) Will the Hon'ble Minister be pleased to lay on the table another statement showing—

(*i*) the names of the municipalities of the class referred to in (*a*) (*iii*) where (1) the Hindu population is in majority, and (2) the Muslims are in majority; and

(*ii*) the number of commissioners of the respective communities elected at the last general election of the municipalities referred to in (*b*) (*i*)?

(*c*) Are the Government contemplating amendment of the Bengal Municipal Act for introducing separate electorates?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) (*i*) 118.

(*ii*) (1) 2 and (2) 81.

(*iii*) 35.

(*b*) A statement is laid on the table.

(*c*) No.

Statement referred to in the reply to clause (b) of starred question No. 328.

NAMES OF THE MUNICIPALITIES WHERE NO SEATS HAVE BEEN RESERVED FOR MINORITY COMMUNITY.

	Total number of elected commissioners.	Number of Hindus elected in the last general election.	Number of Muhammadans elected in the last general election.
I.—Where the Hindu Community is in the majority.			
1. Kalna ..	12	12	Nil
2. Bankura ..	12	12	Nil
3. Vishnupur ..	9	9	Nil
4. Sonamukhi ..	8	8	Nil
5. Ghatal ..	12	12	Nil
6. Kharar ..	12	12	Nil
7. Chandrakona ..	9	9	Nil
8. Ramjibanpur ..	7	7	Nil
9. Khirpai ..	7	7	Nil
10. Baidyabati ..	9	9	Nil
11. Uttarpara ..	8	8	Nil
12. Kotrung ..	7	7	Nil
13. Nabadwip ..	9	9	Nil
14. Rajshahi ..	16	14	2
15. Nator ..	14	10	4
16. Bogra ..	16	11	5
17. Pabna ..	18	12	6
18. Old Malda ..	9	7	2
19. English Bazar ..	14	11	3
20. Narayanganj ..	8	4	3
21. Bajitpur ..	7	6	1
22. Darjeeling ..	19	10	Nil (9 other communities.)
23. Kurseong ..	9	6	1 (2 other communities.)
24. Gaibandha ..	9	5	4

	Total number of elected commissioners.	Number of Hindus elected in the last general election.	Number of Muhammadans elected in the last general election.
II.—Where the Muhammadans are in the majority.			
25. Jangipur ..	14	10	4
26. Dhulian ..	7	6	1
27. Kotechandpur ..	7	4	3
28. Serajganj ..	14	7	7
29. Nawabganj ..	9	4	5
30. Kishoreganj ..	12	10	2
31. Comilla ..	14	10	4
32. Noakhali ..	9	3	6
33. Chittagong ..	17	4	13
34. Cox's Bazar ..	12	6	4 (2 other communities.)
35. Garden Reach ..	9	5	4

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he is aware that from the result of the election as shown in the statement it appears that the communalism of the Hindus is reflected——.

Mr. SPEAKER: That question does not arise.

Standard of measurement of weight.

***329. HAJI SAFIRUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state how many different standards of measurement of weight are prevalent in the Province of Bengal?

(*b*) Is the Hon'ble Minister aware of the difficulties of buyers and sellers of articles due to those different standards of measurement of weights?

(*c*) Do the Government consider it desirable to remove the difficulties by bringing out legislation for one standard of measurement of weight throughout the Province?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Steps have been taken for the collection of this information which will be supplied as soon as it is available.

(*b*) Yes.

(c) The hon'ble member is referred to the answer to unstarred question No. 155 asked by Maulvi Muhammad Israil at the last session of the Assembly.

Appointment of Inspectors and Auditors.

***330. Mr. JOGENDRA NATH MANDAL:** (a) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing separately—

(i) the number of Inspectors and Auditors recently appointed;

(ii) the communities and districts to which each of them belongs to;

(iii) the names and academic qualifications of each of them; and

(iv) the principle upon which the selection was made?

(b) Were the candidates first nominated by the District Magistrate and then by a Committee constituted for the purpose?

(c) What was the number of nominations of Scheduled Caste candidates allotted to each district?

(d) How many of them were nominated by the Committee and in what proportion?

(e) Will the Hon'ble Minister be pleased to state whether any candidate who was neither nominated by the District Magistrate nor by the Committee has been appointed?

MINISTER in Charge of the CO-OPERATIVE and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) (i) to (iii) and (e) No appointment has yet been made.

(iv) To secure the most suitable candidates for this service.

(b) Yes.

(c) and (d) The recommendations of the District Magistrate and the Selection Committee are confidential and cannot be disclosed.

Academic qualifications of Special Officers, Inspectors and Auditors.

***331. Maulana MD. ABDUL AZIZ:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(a) the academic qualifications of—

(i) Special Officers,

(ii) Inspectors, and

(iii) Auditors recently appointed; and

(b) ages of all of them?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) Hon'ble member is referred to the reply given to starred question No. 82 at the current session of the Assembly.

(*ii*) and (*iii*) No appointments have yet been made; certain candidates have been selected for training.

(*b*) For Special Officers there is no age-limit. For Inspector and Auditor-candidates, they satisfied the test of age as mentioned in the notification calling for applications for these posts.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if these selected candidates who are undergoing training are drawing any remuneration?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: They are being given an allowance.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if there is any understanding or implication that these persons under training will be appointed permanently?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: This will depend upon the results of the examination in the end.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the qualifications of Mr. Nalinaksha Mandal of village Nabola, district Howrah?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: The question arises in this sense that in reply to question No. 82 in the current session of the Assembly, academic qualifications of the Special Officer——.

Mr. SPEAKER: Is it mentioned there in the statement?

Dr. NALINAKSHA SANYAL: I do not remember, Sir.

Mr. SPEAKER: Then, I think, that is the best answer.

Mussalman head constables in the police force at Dacca.

***332. Maulvi ABDUL BARI:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*i*) the total number of head constables in the police force, Dacca; and

(*ii*) the number of them that are Mussalmans?

(*b*) Whether the Hon'ble Minister is aware—

(*i*) that there is a standing (police) order No. 7 of April, 1937, to the effect that every district should have at least 50 per cent. Mussalmans in the Bengal Police Force; and

(*ii*) that the number of Mussalman head constables in the police force at Dacca is below the fixed percentage?

(*c*) Are the Government considering the desirability of taking immediate steps to increase the percentage of Muslims in the appointments in the Dacca police force?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) 63.

(*ii*) 4.

(*b*) (*i*) No such order exists.

(*ii*) and (*c*) Do not arise.

Maulvi ABDUL LATIF BISWAS: With respect to answer (*a*)(*ii*) will the Hon'ble Minister be pleased to state the reasons for such a low number of Moslem head constables?

The Hon'ble Khwaja Sir NAZIMUDDIN: These head constables were appointed during the last 10 or 15 years, and it is very difficult for me to give the information.

Maulvi ABDUL LATIF BISWAS: With reference to answer (*b*)(*i*) will the Hon'ble Minister be pleased to state whether he considers the desirability of issuing an order for giving a higher percentage of appointments to Moslems?

Mr. SPEAKER: That question does not arise.

Allegation against the police taking bribes from Rickshawalas and Hackney carriagewalas at Sealdah Station.

***333. Mr. ATUL KRISHNA GHOSE:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware of the fact that every rickshawala and every hackney carriagewala at Sealdah Station has got to pay three pies and six pies, respectively, to the constable on duty and that is collected through a cooly standing nearby?

(*b*) Is the Hon'ble Minister considering the desirability of holding an enquiry into the matter with a view to stopping the corruption?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. ATUL KRISHNA GHOSE: With reference to reply "No", is the Hon'ble Minister aware of the fact that Mr. P. Mukherji, an I. B. Inspector, who is now a Deputy Superintendent of Police, having been harassed by the Sealdah Police reported the matter to the Superintendent of the Sealdah Railway Police, who enquired into the matter and found that the constable was guilty?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of it.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that the Platform Inspector, Mr. Emerson, sent up that taxi-driver on a charge of overloading, and after a thorough enquiry and trial of the case in the court of the Police Magistrate Mr. A. F. M. Mahmud, the taxiwalla was discharged as being not guilty?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware.

Mr. ATUL KRISHNA GHOSE: In view of this sort of things prevailing in Sealdah station and in view of the fact that a member of this House has given a written statement regarding this affair, does the Hon'ble Minister consider the desirability of holding an enquiry into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: If the facts which have been stated in connection with this question are given to me in writing, I will hold an enquiry.

Dr. NALINAKSHA SANYAL: Is it not a fact that Mr. Gordon, when he was the Commissioner of Police, Calcutta, did make enquiries, and he found that this was a fact and that it is record of the Police Department in Calcutta?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware.

Activities of the present Inspector of the Palong police circle, Faridpur.

***334. Mr. SASANKA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state how long the present Inspector of the Palong police circle in the district of Faridpur has been acting as such in the said circle?

(*b*) Has the attention of the Hon'ble Minister been drawn to the fact that the said Police Inspector was an *alibi* of an accused in the Binapani Abduction Case, in the court of Sessions Judge of Faridpur?

(*c*) Is it a fact that the Sessions Judge found that the evidence of the said Police Inspector as to the said *alibi* contradicted his diary and was false?

(*d*) Is it a fact that in the said case as well as in several other criminal cases, the trying Sessions Judges and Magistrates condemned the conduct of the said Inspector and recommended departmental action against him?

(*e*) Has the Government taken any departmental action against him?

(*f*) If so, what action has been taken?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) As Circle Inspector he is there continuously since the 6th March, 1935.

(*b*) The question is not understood but if the questioner wishes to know whether the Inspector was able to corroborate the version of the defence as to the events on the morning of the day of occurrence, the answer is in the affirmative.

(*c*) In the absence of a corroborative entry in the personal diary of the Inspector, the Sessions Judge doubted his deposition that he saw the principal accused in the abduction case on the morning of the occurrence.

(*d*) No.

(*e*) and (*f*) Do not arise.

Mr. SURENDRA NATH BISWAS: Before I put supplementary questions, I should like to say that I gave notice of this question but it has been submitted in the name of Mr. Sasanka Sekhar Sanyal.

Will the Hon'ble Minister be pleased to state what is the basis of his reply (*c*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: The judgment of the Sessions Judge.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that in that abduction case the Sessions Judge observed in his judgment that this Circle Inspector Badaruddin "threw prudence to the winds and so far forgot his rank and position in the force to which he belongs as to give deliberately perjured evidence to wreck the prosecution case which he must have known to be true"?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what is the basis of his answer "No" to question (*d*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: Based on enquiries made.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to consider the desirability of going through the judgment over again in order to take what steps he considers necessary?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think it is necessary.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that in the judgment of the famous Chhaygaon case the Sessions Judge observed: "The conduct of S.I. Kamruddin and A.S.I. Haricharan Bhattacharyya and Circle Inspector Badaruddin Ahmed deserve notice; the authorities will consider whether any departmental action should be taken against them?" If so, what action has been taken against them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not seen that judgment.

The House was then adjourned for 15 minutes.

(After adjournment.)

Mr. SURENDRA NATH BISWAS: Mr. Speaker, Sir, I want to put a few more supplementary questions which have arisen out of the answer given by Sir Nazimuddin.

Mr. SPEAKER: I have already passed that.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I submit that it is a very important question involving the rights of a large number of people and a misdeed on the part of a responsible Government official. Will you be pleased to reconsider your decision, Sir?

Mr. SPEAKER: My difficulty is, strictly speaking, most of these questions do not arise. I hope Dr. Sanyal you understand my point.

Mr. SURENDRA NATH BISWAS: Sir, will you kindly let me frame the questions, and then you may see whether they really arise.

Mr. SPEAKER: You may frame them and send to Government. They will answer you, I think.

Appointment of Scheduled Castes in the ministerial services.

***335. Babu KSHETRA NATH SINGHA:** (*a*) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state—

(*i*) whether the Government have accepted the policy of grouping the former backward classes into Scheduled Castes with some addition for appointments in the ministerial services;

(*ii*) whether according to the memorandum No. 7686-7700-A., dated the 18th April, 1932, returns about Scheduled Caste appointments are regularly submitted by the High Court to Government; and

(*iii*) whether the Government are in possession of reports showing that the quota of appointments prescribed for the Scheduled Castes is being considered by the district authorities in making appointments under them?

(*b*) If the answer to (*a*) is in the negative, are the Government considering the desirability of taking steps for the strict observance of the circulars of 1931 and 1936?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*iii*) Yes.

(*ii*) No. Ministerial appointments in the High Court are not under the control of the Provincial Government.

(*b*) Does not arise.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state what is the remedy in case the High Court disobeys the order of the Government?

Mr. SPEAKER: Order, order. That question does not arise.

Disciplinary action taken against certain boys of Kumar Arunchandra High English School in the Noakhali town.

***336. Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact—

(*i*) that two boys, aged about 12 or 13, of Kumar Arunchandra High English School in the Noakhali town, handed over leaflets issued by Noakhali Congress for observance of Independence Day on the 26th January last, to the Head Master, Zillah School, Noakhali;

(*ii*) that the Head Master of the Zillah School reported the matter to the District Magistrate, Noakhali;

(*iii*) that the District Magistrate asked the Head Master of Kumar Arunchandra High English School to take disciplinary action against the boys referred to above; and

(*iv*) that the Head Master of Arunchandra High English School inflicted fifteen stripes on each of the two boys by way of punishment?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government put any ban or restriction upon Independence Day celebration on the 26th January, 1938, at the instance of the Indian National Congress?

(*c*) If the answer to (*b*) is in the negative, do the Government contemplate any action in the matter referred to in (*a*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Only one boy, aged 12 or 13 of the Arunchandra School, left a Congress leaflet face downwards on the table of the Head Master of the Zillah School, and ran away. He was accompanied by another boy who did not himself enter the Head Master's room.

(*ii*) The matter was brought to the notice of the District Magistrate through the Military Intelligence Officer.

(*iii*) Yes.

(*iv*) Each boy received ten stripes only.

(*b*) and (*c*) No.

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister be pleased to state why the Headmaster of the Zilla School instead of reporting the matter to the Headmaster of Arunchandra School to which the boy belonged, took the help of the Military Intelligence Officer to bring it to the notice of the District Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a question which I think the hon'ble member should ask the Headmaster and not the Governm nt.

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister be pleased to state whether the Headmasters of Government schools are required to report incidents of this nature to the Military Intelligence Officer or District Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to answer (*iii*) "Yes", under what law the District Magistrate advised the Headmaster to take disciplinary action? What was the offence under the law, and under what law the District Magistrate advised the Headmaster to take the action which he did?

The Hon'ble Khwaja Sir NAZIMUDDIN: One of the versions given is that the Headmaster of the Zilla School considered it was done to annoy him deliberately.

Dr. NALINAKSHA SANYAL: Sir, my question is not answered.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is perfectly obvious that a Headmaster of one school may consider that the student of another school has done something deliberately to annoy him, and as a disciplinary measure the Magistrate may ask the Headmaster of the school to take disciplinary action.

Dr. H. C. MUKHERJEE: Is the Arunchandra School an aided institution?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe so.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Governing body and the teaching staff of the Arabic Department of the Calcutta Madrassah.

91. Mr. SHAH SYED GOLAM SARWAR HOSAINI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the number of members of the present Managing Committee of the Madrassah Alia, Calcutta;

(*ii*) the number of members in the Committee from East Bengal, West Bengal and from outside Bengal;

(*iii*) the number of students in the Madrasah from East Bengal, West Bengal and from outside Bengal; and

(*iv*) the number of teachers in the Madrassah from East Bengal, West Bengal and from outside Bengal?

(*b*) Will the Hon'ble Minister be pleased to state the reason of recruiting teachers for the Madrassah from outside Bengal?

(*c*) Is it not a fact that there are qualified teachers in Bengal?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*)(*i*) The Governing Body of the Arabic Department of the Calcutta Madrassah consists of 12 members.

(*ii*)	East Bengal	1
	West Bengal	9 (including one domiciled)
	Outside Bengal ...	2
(*iii*)	East Bengal	239
	West Bengal ..	84
	Outside Bengal .	50
(*iv*)	East Bengal	12
	West Bengal	7 (including one domiciled)
	Outside Bengal	9

(*b*) and (*c*) In filling up vacancies in the staff of the Madrassah preference is always given to qualified Bengalees.

A teacher for the Madrassah is not ordinarily recruited from outside Bengal except when the peculiar needs and requirements of a particular post are such that it cannot be filled by a suitable candidate from Bengal at the time.

Outbreak of malaria in Raina and Khondaghose, Burdwan.

92. Mr. ADWAITA KUMAR MAJI: (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware that there was an outbreak of malaria in 1937 in Raina and Khondaghose police-stations in the Sadar subdivision of Burdwan?

(*b*) If the answer to (*a*) is in the affirmative, has it come to the knowledge of the Hon'ble Minister that adequate help was not given in spite of repeated appeals from the public?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (*a*) Yes.

(*b*) No. The District Board distributed quinine amongst the villagers through Presidents of Union Boards from the beginning of the malaria season. On the outbreak of malaria the Board made arrangements for special distribution of quinine through the rural Sanitary

Inspectors and the Presidents of respective Union Boards were asked to obtain adequate supply of quinine from the Board for efficient distribution.

The Public Health Department received information of an outbreak of malaria amongst the labourers collected at a brickfield at Eklokhi, Raina police-station, in connection with the construction of the Burdwan-Arambagh Road. To cope with this outbreak, one Sub-Assistant Surgeon with 4 pounds of quinine and cinchona was sent by the Public Health Department to the spot and 2,000 combined tablets of quinine and plasmochin were supplied to the District Health Officer. The District Board contributed one pound of quinine and at the suggestion of the District Health Officer a qualified full-time doctor and 3 compounders were appointed by the contractor in charge of the labourers.

No complaint or appeal other than the one mentioned above was received in the Public Health Department.

Annulments of the election of Chairman and Vice-Chairman of the District Board of Mymensingh.

93. Maulvi ABDUL JABBAR: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that the first election of the Chairman and Vice-Chairman of the District Board of Mymensingh in 1937 was set aside by Government?

(*b*) If so, what are the reasons for the same?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Yes.

(*b*) The proceedings of the meeting convened for the election of the Chairman and the Vice-Chairman was annulled by Government under section 120 of the Local Self-Government Act as not being in conformity with the law and the rules.

Maulvi ABDUL JABBAR: Will the Hon'ble Minister be pleased to state the facts in the proceedings of the meeting which were not in conformity with the law and the rules?

The Hon'ble Mr. SYED NAUSHER ALI: Sir, as far as I remember certain member who was elected a member of the District Board after the issue of the notice for convening the District Board meeting was asked by the District Magistrate not to attend the meeting.

Recruitment of Indian Christians in the Police Department.

94. Mr. S. A. COMES: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing—

(*i*) the total strength of sub-inspectors and assistant sub-inspectors in the police force working in Bengal on the 31st December, 1937; and

(*ii*) how many of these are—

(1) Caste Hindus,

(2) Scheduled Castes,

(3) Muslims, and

(4) Indian Christians?

(*b*) Has any rule been laid down by Government to ensure the proper representation of the Indian Christian community in the Police Department?

(*c*) Is the Hon'ble Minister satisfied that the claims of this community in the matter of recruitment to this department have been fully met?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) No.

(*c*) Yes.

Statement referred to in the answer to clause (a) of unstarred question No. 94 showing the number of sub-inspectors and assistant sub-inspectors working in Bengal on 31st December, 1937.

	Total number	Caste Hindus.	Scheduled Castes.	Muhammadans.	Indian Christians.
Bengal Police.					
Sub-inspectors ..	1,596	882	14	625	4
Assistant sub-inspectors ..	1,499	994	43	457	2
Calcutta Police.					
Sub-inspectors ..	116	72	Nil	37	Nil
Assistant sub-inspectors ..	153	106	3	44	Nil

Allowance to detenu Babu Atmananda Bramahcharyee.

95. Mr. JOGESH CHANDRA GUPTA: (*a*) Has the Hon'ble Minister in charge of the Home (Political) Department received petitions from detenu Babu Atmananda Bramahcharyee in October and December last on the matter of his allowance?

(*b*) Is the Hon'ble Minister aware—

(*i*) that Babu Atmananda Bramahcharyee was and is without any source of income and has not been able to find out any provision for himself; and

(*ii*) that an intimation was sent to him on the 26th January last informing him that Government were unable to accede to his prayer?

(*c*) If the answer to (*b*) is in the affirmative, what are the grounds for refusing his prayer?

(*d*) Are the Government considering the desirability of granting the detenu an allowance having regard to the statement made by the Hon'ble Minister in the last session of the Bengal Legislative Assembly that suitable allowance for at least a period of six months will be sanctioned for every detenu?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) (*i*) He lived as a Bramachari before arrest and depended on charity and after his release has continued to do so.

(*ii*) Yes.

(*c*) *Vide* the answer to (*b*) (*i*) above.

(*d*) No such statement was made.

STARRED QUESTIONS

(to which oral answers were given)

Expenditure on jute restriction propaganda work in Tippera.

***337. Maulvi JONAB ALI MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay a statement on the table showing—

(*i*) the amount of money spent or allotted to be spent for the jute restriction propaganda work in the Tippera district during the current year, *i.e.*, 1937-38; and

(*ii*) the names of persons appointed to make such propaganda?

(*b*) Are the Government aware that the charge officers have been appointed by the Subdivisional Officers for this jute restriction work without any remuneration whatsoever?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*)(*i*) Rs. 2,474 has been allotted to the district.

(*ii*) Babu Phanindra Ganguli, Maulvi Shamsul Huda, Maulana Md. Abdul Hoq and Babu Surendra Nath Sen.

(*b*) Yes, charge officers are voluntary honorary workers.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that Maulvi Shamsul Huda and Maulana Md. Abdul Huq are the propagandists of the Muslim League and they are acting as such and not as Jute Restriction Propaganda Officers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I am not aware of that, and I have nothing to do with this.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether these officers keep any diary or tour propramme?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice Sir.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what are the educational qualifications required of these Jute Restriction Propaganda Officers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The qualifications are that they must be good speakers, and as instructors they will inform the cultivators.

Mr. NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether the officers named in answer (*a*)(*ii*) are whole-time Government officers?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Selection of members of Debt Settlement Board.

***338. Srijut ASHUTOSH MULLICK:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether it is a fact that the Government

have issued instruction to the District Officers for consulting or taking opinion of the local member of the Legislative Assembly in the matter of selection of members of Debt Settlement Board?

(*b*) If so, will the Hon'ble Minister be pleased to state whether the instruction is being observed by the local officers?

(*c*) Is it a fact that the recommendation of the Chairman of the District Board, Bankura, who is also a member of the Legislative Assembly in connection with the proposal for formation of certain Debt Settlement Boards in that district, has not been accepted?

(*d*) Is it a fact that the Chairman has written to the Subdivisional Officer declining to make any further recommendation on similar proposals?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) The District Officers have instructions to consider the suggestions, if any, of the local members of the Legislature.

(*b*) to (*d*) Yes.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that members of this legislature who belong to the Congress group have never been consulted in this matter?

The Hon'ble Mr. MUKUNDA BEHARI MULLICK: I am not aware, Sir.

Dr. NALINAKSHA SANYAL: Is the Government considering the desirability of sending further instructions to the District Officers so that irrespective of the party label of the members of the Assembly, they may be consulted?

The Hon'ble Mr. MUKUNDA BEHARI MULLICK: Instructions do not refer to any party label. The instructions are there, and if any breach is brought to my notice, I am prepared to look into it.

Selection of Inspectors and Auditors in the Co-operative Department.

***339. Mr. RASIK LAL BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay a statement on the table showing for the last six months—

(*i*) the number of persons selected for training or appointed by the Co-operative Department as—

(1) Inspectors,

(2) Auditors, and

(3) for other posts;

(*ii*) the number of them that are—

(1) Muslims,

(2) Caste Hindus,

(3) Scheduled Castes, and

(4) other minorities?

(*b*) Will the Hon'ble Minister be pleased to state the names, home addresses, castes, qualifications and age of those persons referred to in (*a*) (*ii*) (3) and the posts held by them at the time of their appointment in the Co-operative Department?

(*c*) Is it a fact that there were many candidates with better educational qualifications than those of the candidates who have been appointed or selected for training by the Co-operative Department during the period stated in (*a*)?

(*d*) If so, what are the reasons for not selecting them for training or appointment?

(*e*) Will the Hon'ble Minister be pleased to state who were the persons responsible for the said appointments or selections?

(*f*) Will the Hon'ble Minister consider it desirable of appointing or selecting—

(*i*) Auditors; and

(*ii*) Inspectors during the next one year?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) The hon'ble member is referred to the answer given to starred question No. 52 at the current session of the Assembly.

(*b*) No appointment has yet been made.

(*c*) No.

(*d*) Does not arise.

(*e*) It is difficult to understand what the hon'ble member means; but for all such acts, responsibility lies with Government.

(*f*) It depends upon whether there will be vacancies.

Passenger shed at Kanchanpur steamer station in Goalundo-Narayanganj line.

***340. Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether he is aware—

(*i*) that at Kanchanpur steamer station of the Indian General Navigation and Rivers Steam Navigation Company in the Goalundo-Narayanganj line in the river Padma there is no passenger shed and only a flat without shed has been provided for the purpose; and

(*ii*) of the inconveniences of the passengers for want of a good passenger shed?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of urging upon the Steamer Companies for a suitable passenger shed at a very early date?

(*c*) Is it a fact that no arrangement is made at night for lighting the station?

(*d*) Is it a fact that there is no good road leading to the station through the *char* land upon which the station is situated?

(*e*) Is it a fact that almost all the places in and near about the station are covered with *karcha* grass?

(*f*) Is it a fact that no boat arrangement is made by the said company for taking or sending the passengers to or from the station across the "*kol*" when under water?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of urging upon the company for the removal of these grievances of the passengers?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) and (*b*) From enquiries made locally it has been ascertained that the roof of the shed provided has fallen in. Government propose taking up the matter with the Joint Steamer Companies so that a suitable shed may be provided.

(*c*) The Joint Steamer Companies report that arrangements are being taken in hand to improve the existing lighting arrangements.

(*d*) and (*e*) This is matter which should be represented to the local District Board. It does not come within the purview of this department.

(*f*) The Joint Steamer Companies' vessels deposit passengers on the main bank of the river as near the station premises as possible. The *khal* is private owned property.

(*g*) Does not arise.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I know under whose special cognizance this subject comes? The Hon'ble Minister in charge of Communication and Works is in charge of almost all construction works relating to railway or steamer stations. May we know how the Hon'ble Minister in charge of Labour gets up to answer this question.

The Hon'ble Mr. H. S. SUHRAWARDY: My statement is that it is within my cognizance and that is enough. "From enquiries made locally it has been ascertained, etc.".

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister please consider the desirability of seeing that the passengers are not put to inconvenience for want of a road and especially owing to the fact that the places in and near the station are covered with *kaicha* grass?

The Hon'ble Mr. H. S. SUHRAWARDY: I have stated that this question does not come within the purview of this department or possibly any department of the Government. If roads have to be provided they must be provided by the local authority, and I hope the hon'ble member will first approach the local authority and if in case they do not conform to his wishes, the Hon'ble Minister in charge of Local Self-Government may be written to.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state whether he is aware that the condition of almost of all the stations are as bad as that of Kanchanpur?

The Hon'ble Mr. H. S. SUHRAWARDY: Far from it.

Withdrawal of the Factory Act from the wool godowns at Kalimpong, Darjeeling.

***341. Mr. DAMBER SINGH GURUNG:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state why the order for the application of the Factory Act to the wool godowns at Kalimpong has been withdrawn?

(*b*) Is the Hon'ble Minister considering the desirability of its application again for the safety of the labour class working there?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The order applying the Factory Act to the wool godowns at Kalimpong was withdrawn on the advice of the Deputy Commissioner, Darjeeling, as the wool trade at Kalimpong is only a seasonal one. The wool godowns do not maintain a permanent staff but pick up their labour when consignments of wool come down from Tibet. They employ a small number of labourers who are not required to handle any machinery. The continuance of the order would also involve the danger of the godowns being shifted to Sikkim and would thereby interfere with the trade between Tibet and British India.

(*b*) No. With a view to procuring decent conditions of labour in this industry, the Deputy Commissioner was requested to pay special attention to this industry with a view to improving the conditions of labour. Mr. George Morgan, C.I.E., M.L.A., who took some interest in the matter was also requested to use his great local influence to ameliorate conditions prevailing in the industry and was so good as to accept the charge.

Mr. DAMBER SINGH GURUNG: May I draw the attention of the Hon'ble Minister to the fact that the information given in the answer is not correct? The wool trade is not a seasonal one and wool comes here from places other than Tibet also, and almost everyday throughout the year nearly a hundred coolies are systematically working in the wool godowns. I come from that place and I know well the condition that obtains there more than anybody else.

The Hon'ble Mr. H. S. SUHRAWARDY: I shall have it checked once more in view of the informations supplied by the hon'ble member, and I may say at once that I propose to go to Kalimpong myself to make a local enquiry into the conditions there.

Appointment of Mussalmans under the various departments under the charge of the Hon'ble Minister for Commerce and Labour.

***342. Mr. MD. ABUL FAZL:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*a*) the total number of appointments made in the various departments and branches under his charge since 1st April, 1937; and

(*b*) the number of Mussalmans among them?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Officers—3, of whom 1 is permanent and 2 are temporary.

Clerks—permanent 2 and temporary 7.

(*b*) Officers—1 (temporary).

Clerks—1 permanent and 3 temporary.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state the grade of pay for the different officers—I mean the scale of pay?

The Hon'ble Mr. H. S. SUHRAWARDY: I want notice.

Police constables in 24-Parganas.

*343. **Khan Bahadur A. F. M. ABDUR RAHMAN:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*a*) the number of constables, both literate and ordinary, appointed in the district of the 24-Parganas from January, 1937, to January, 1938;

(*b*) how many of them are Bengali Muhammadans and how many Bengali Hindus; and

(*c*) names of literate constables, their educational qualifications and native district?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) There is no such rank as "literate constable" in the Bengal Police. The number of constables enlisted was 54.

(*b*) One Bengali Muhammadan and 14 Bengali Hindus.

(*c*) Does not arise.

Maulvi ABDUL WAHAB KHAN: In view of the answer, will the Hon'ble Minister be pleased to state why the number of Muslim appointments was only 1 against the total number of 54?

The Hon'ble Khwaja Sir NAZIMUDDIN: I find from the reports that Government circulars have not been properly followed. I am enquiring into the matter.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether the 39 constables recruited from outside Bengal were Bengalis or non-Bengalis.

The Hon'ble Khwaja Sir NAZIMUDDIN: Obviously they must be non-Bengalis.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state the places from where these 39 were recruited?

The Hon'ble Khwaja Sir NAZIMUDDIN: I require notice.

Maulvi ABDUL LATIF BISWAS: In view of the policy enunciated by Government in answer to some other previous question that only Bengalis will be recruited as constables, will the Hon'ble Minister be pleased to state now why out of these 54 appointments only 15 have gone to the Bengalis?

Mr. SPEAKER: That point has already been answered.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether properly qualified Bengalis were not available and whether that was the reason why 39 were taken from outside Bengal.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am having an enquiry made and I cannot say anything further in the matter.

Police assault on certain residents of the Malikhali village, Khulna.

***344. Babu PATIRAM ROY:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that certain residents of village Malikhali under police-station Paikgacha in the district of Khulna, were arrested and assaulted on the 23rd September, 1936, by a band of police accompanied by an armed force;

(*ii*) that some of the villagers sustained injuries resulting in fracture of bones during the occurrence on the 23rd September, 1936;

(*iii*) that they had to be treated in the Sadar hospital;

(*iv*) that the complaint of the villagers was enquired into by the Subdivisional Officer, Khulna, in the mufassal in the presence of the District Superintendent of Police in the house of one of the accused;

(*v*) that the Subdivisional Officer postponed the case from day to day;

(*vi*) that the villagers were, however, acquitted on the judgment of the judicial court and started case against the police; and

(*vii*) that the accused police were subsequently acquitted, but the Subdivisional Officer remarked in his judgment that over-zealousness of the police brought misfortune to the villagers?

(*b*) Is the Hon'ble Minister aware of a feeling of consternation mongst the said villagers since the happening of this unhappy ıcident?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, does the lon'ble Minister contemplate the desirability of making a thorough ıvestigation into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Arrests were made ut nobody was assaulted by the police

(*ii*) When trying to avoid arrest some received injuries in the form f scratches from thorny bushes and one person a fracture due to a fall om a tree.

(*iii*) Yes.

(*iv*) The Subdivisional Officer made local enquiries on the complaint f only one accused in the presence of the Superintendent of Police. he enquiry did not take place in the house of one of the accused.

(*v*) No.

(*vi*) Of the 6 persons convicted by the lower court, 5 were acquitted ı appeal. The case previously pending against the police was then ıken up.

(*vii*) In acquitting the police officer the adverse remarks as alleged ere not made.

(*b*) and (*c*) No.

Mr. SYED JALALUDDIN HASHEMY: With reference to ıswer (*vi*) will the Hon'ble Minister be pleased to state whether ıy remark was made by the subdivisional officer while delivering his dgment?

The Hon'ble Khwaja Sir NAZIMUDDIN: Some remarks were ade. I have not got the file just now with me, and if the Hon'ble ember wishes to put any supplementary question in regard to this atter, in the next session, it will be replied.

Mr. SYED JALALUDDIN HASHEMY: My point is to be more ear, whether "over-zealousness on the part of the police brought isfortune to the villagers" is an adverse opinion, or not?

Mr. SPEAKER: That is a question of opinion.

Mr. NAGENDRA NATH SEN: With reference to answer (*a*)(*i*) will the Hon'ble Minister be pleased to state why arrests were made and what was the offence against those villagers?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe, they obstructed the police in some form or other.

Mr. SYED JALALUDDIN HASHEMY: With reference to answer (*a*)(*ii*) will the Hon'ble Minister be pleased to state what was the cause for that man to fall from a tree?

The Hon'ble Khwaja Sir NAZIMUDDIN: He was trying to hide himself most probably by getting on a tree and as a result he fell down.

Mr. SYED JALALUDDIN HASHEMY: May I know why the man fell from the tree, Sir? (laughter). A man cannot voluntarily fall from a tree; something must have happened.

Pay of sergeants.

***345. Mr. SERAJUL ISLAM:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that the scales of pay of the inspectors and sub-inspectors have been reduced; but

(*ii*) that the scales of pay of the sergeants have not been so reduced?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, what are the reasons for the differential treatment?

(*c*) Are the Government considering the desirability of reducing the scale of pay for the sergeants?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Ordinarily the sergeants are ex-Army non-commissioned officers. On enlistment in police they have to forgo certain concessions given in the Army. It is fair and equitable, therefore, that their pay should be such as to compensate them for the loss. Any reduction in their pay would have a serious effect on recruitment and would result in a deterioration in the type of officer obtained.

(*c*) No.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble the Home Minister be pleased to state what are the concessions in the Army which the Sergeants forego when they are enlisted in the Calcutta Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: Free treatment for their families, education for their children, etc.

Maulvi ABUL HASHIM: Will the Hon'ble the Home Minister be pleased to explain what is the absolute necessity of recruiting the Sergeants from non-commissioned Army officers? What are the extraordinary duties which these officers are expected to perform and which the Indian Officers cannot perform.

The Hon'ble Khwaja Sir NAZIMUDDIN: This has been the subject matter of discussion in this House, and I would refer the hon'ble member to the debates that took place and the reply of the Government.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble the Home Minister be pleased to state the number of Sergeants who have been ex-Army non-commissioned officers? What is the percentage?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state whether it is feasible to put a stop to the recruitment of this sort of specially meritorious ex-Army non-commissioned officers and to substitute them by Indian gentlemen?

The Hon'ble Khwaja Sir NAZIMUDDIN: For the present no.

Dr. H. C. MUKHERJEE: Will the Hon'ble Minister be pleased to state whether sergeants cannot be recruited from amongst members of the Anglo-Indian and Domiciled European Communities?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to previous debates and also to the reply given by Government on those occasions.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the difference between the salaries of ex-Army non-commissioned officers and sergeants of the Calcutta Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

"Black Hole" monument.

*346. **Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether his attention has been drawn to a feeling amongst Muslim and Hindu public for the removal of the Holwell Monument in the city of Calcutta, popularly known as the "Black Hole" monument from the public view?

(*b*) Has the attention of the Hon'ble Minister been drawn to the fact that the Madras Government has removed the Neil Statute from the public sight to a museum on the ground of respecting the public feeling of resentment against the said statue?

(*c*) Are the Government considering the desirability of taking similar steps for the removal of the said monument away from public view?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Government are not aware of a general demand for removal.

(*b*) No. But I have seen newspaper reports to this effect.

(*c*) In view of the answers given to (*a*) and (*b*), this question does not arise.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to indicate what Government would regard as a general demand?

The Hon'ble Khwaja Sir NAZIMUDDIN: It all depends when the demand comes, and then it will be time to decide whether it is general or not.

Mr. SANTOSH KUMAR BASU: Is the Hon'ble Minister aware that there were editorial observations in almost all the dailies in Calcutta, viz., the "Statesman", the "Amrita Bazar Patrika", "Advance" and other vernacular papers and last but not the least in the "Star of India", and will he consider these comments to be a reflection of the demand of the general public?

The Hon'ble Khwaja Sir NAZIMUDDIN: Not in all cases.

Maulvi ABDUL WAHAB KHAN: Has the Hon'ble Minister's attention been drawn to a book entitled "Andhakup hatya" written by Mr. Mujibor Rahman, M.A., Research Scholar, who has proved conclusively by facts and figures that the whole story of the Black Hole is nothing but a myth?

Mr. SPEAKER: That question does not arise.

Inability of payment of debts by the peasant members of the rural societies under Central Co-operative Banks of Bengal.

*347. **Babu MADHUSUDAN SARKER:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state whether the Government are aware of the present condition of the peasant members of the rural societies under Central Coperative Banks of Bengal in payment of debts?

(*b*) Whether the Government have any scheme under contemplation at present for settling the debts of those societies by reduction of dues with Central Banks?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes.

(*b*) The Co-operative Department initiated an enquiry into the financial position of the individual members of the rural societies. A preliminary set of instructions has been issued to the departmental officers to scale down and adjust the debts of the members on the basis of their financial condition and paying capacity as ascertained by the enquiry.

Babu MADHUSUDAN SARKAR: With reference to the latter part of answer (*b*), in view of the fact that we are of the opinion that the local officers are not working according to the instructions issued to them, will the Hon'ble Minister be pleased to enquire whether the local officers concerned are working according to the instructions issued to them?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: In view of the request made by the hon'ble member I shall be prepared to look into it.

Declaration of certain thanas of Mymensingh as partially excluded area.

*348. **Mr. ABUL HOSAIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that some thanas of the Mymensingh district adjoining the border of Assam have been declared to be treated as partially excluded area?

(*b*) Whether the lands belonging to the aboriginals of that area, specially in Pargana Shusung, were taken into *khas* possession by landlords?

(*c*) Whether a Special Officer has been deputed there—

(*i*) to enquire into this possession of land by landlords; and

(*ii*) to help the aboriginal tenants in getting back their lands?

(*d*) Whether the lands belonging to Hindu and Muslim tenants of the aforesaid Pargana were similarly taken possession of by landlords?

(*e*) If the answer to (*d*) is in the affirmative, whether the Special Officer deputed has been instructed to take similar steps as in the cases of aboriginal tenants?

(*f*) If no such instructions have been given, will the Hon'ble Minister be pleased to state reasons for such differential treatment between the different classes of tenants?

(*g*) Whether it is a fact that these lands which were taken possession of were distributed among the cultivators on some fixed amount of paddy payable per year?

(*h*) Whether it is a fact that no consideration is made for failure of crop?

(*i*) Whether the aforesaid fixed amount of paddy varied formerly from 10 maunds to 22 maunds per acre and of late it varies from 5 maunds to 12 maunds per acre?

(*j*) Whether the Government have got any complaint or request on behalf of the tenants for redress of their grievances?

(*k*) If the answer to (*j*) is in the affirmative, whether the Government consider it desirable to take steps in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*c*) (*i*) Yes.

(*b*) Complaints to this effect were received. A large number of such instances have since been discovered.

(*c*) (*ii*) Yes, by legal means.

(*d*) Government have no information on this point.

(*e*) Does not arise.

(*f*) Chapter VIIA of the Bengal Tenancy Act, under which action is being taken with regard to lands that belonged to aboriginals, applies to them only.

(*g*) and (*h*) It has been found that in a number of cases where the landlords had obtained *khas* possession, cultivators have executed agreements to deliver a fixed quantity of produce per unit of area per year on being permitted to cultivate. These agreements purport to be "*barga*" agreements but are not for a share of the crop.

(*i*) There has been variation, as the lands are put up to auction each year and agreements are taken from the highest bidders.

(*j*) Yes, from the aboriginals.

(*k*) Government have already taken action, *vide* answer to (*c*). In addition, operations under section 112, Bengal Tenancy Act, are in contemplation, and provision for this has been made in the budget for 1938-39.

Relief given to the people of Narayanganj affected by tornado.

***348A. Mr. MONORANJAN BANERJEE:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state:—

(*a*) Whether he is aware that a tornado of severe character took place on 12th March last in some part of the Narayanganj subdivision of the Dacca district?

(*b*) Is it a fact that a large number of people lost lives and otherwise injured as a result of this tornado?

(*c*) Is it a fact that thousands of people were rendered homeless?

(*d*) If so, will the Hon'ble Minister be pleased to state the number of deaths and persons injured and the houses blown off?

(*e*) Have the Government started any relief work in the locality?

(*f*) If so, what is the nature of the relief that is being given to the people?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*), (*c*) and (*d*). Number of huts blown off—2,000. Died—25 Injured—150.

(*e*) Yes.

(*f*) Immediately on receipt of a report from the Commissioner about the tornado on 17th March 1938, a sum of Rs. 500 was sanctioned for gratuitous relief. The Commissioner has also been informed that Government are prepared to place additional sums at his disposal, if required. The Collector has also placed a sum of Rs. 100 from the District Relief Fund at the disposal of the Subdivisional Officer for immediate relief.

The District Health Officer, Sanitary Inspectors and the local Veterinary Assistant Surgeon are attending to injured persons and to live-stock, and taking sanitary precautions, to prevent an epidemic.

Mr. SYED JALALUDDIN HASHEMY: Is the Hon'ble Minister aware of the fact that the Subdivisional Officer of Narainganj has also written to the effect that further funds are immediately necessary for the relief of the distressed people.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I am waiting for a further communication either from the Collector or from the Commissioner as regards this matter. I can, however, assure hon'ble members that local officers have been informed that any amount that might be required for giving liberal relief to the distressed people will be placed at their disposal.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether it is a fact that local officers have been insistently demanding further funds for giving relief to the affected people, and that Government have taken no action in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Nothing of the kind, Sir. Government are fully prepared to place any amount at the disposal of the local officers for giving relief on a liberal scale.

Mr. SPEAKER: The question hour is finished. We shall now take up the consideration of the Calcutta Official Receiver's Bill, 1938.

GOVERNMENT BUSINESS.

The Official Receiver's Bill, 1938.

Mr. SPEAKER: Yesterday Mr. Santosh Kumar Basu raised a point of order in regard to the moving of a short-notice amendment by the Hon'ble Nawab Musharruf Hosain.....I am sorry, I should have called upon the Hon'ble Mr. Nalini Ranjan Sarker to place the Schedule of authenticated expenditure.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, in pursuance of sub-section (2) of section 80 of the Government of India Act, I beg to place the Schedule of expenditure authenticated by the signature of His Excellency the Governor.

The Schedule was handed over to Mr. Speaker who directed the Secretary to keep it in safe custody.

Mr. SPEAKER: I was speaking about the point of order raised by Mr. Santosh Kumar Basu yesterday. In substance, his point was that the Chairman of a Select Committee, particularly when he accepts the report should not give notice of an amendment. While I cannot rule out that the President of a Select Committee cannot give such a notice, I think it preferable that other members of his party should move it.

Mr. SANTOSH KUMAR BASU: Sir, may I supplement what I said yesterday by a few remarks to-day? I do not want to impede or hamper in any way the progress of legislative business of the House. But I submit that if, in consequence of any new materials having come to the notice of Government, it is considered necessary that some amendment should be moved in the House which runs counter to the decision of the Select Committee, I do not suggest that such a course should never be adopted under any circumstances. On the contrary, now that this Assembly is making its own traditions for the first time, it would be much better if the Hon'ble Minister in charge of the Department, who is, under the rules, also the Chairman of that particular Select Committee, were to make it a practice, if he considers it necessary to introduce any such amendment to have it moved by some other member without identifying himself with the amendment at that stage.

Mr. SPEAKER: Who is moving this amendment, Nawab Saheb?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Mr. Khwaja Sahabuddin will move it, Sir.

Clause 3.

Mr. Khwaja SAHABUDDIN: Sir, I beg to move that sub-clause (*2*) of Clause 3 be omitted.

Mr. SPEAKER: Mr. Dutta, as regards your amendment No. 15, I have to rule it out of order as the recommendation of His Excellency the Governor has not been received. So, I shall take up the next amendment.

I would only appeal to all members to be as brief as possible because I should like to finish this Bill to-night

Mr. MANMATHA NATH ROY: Sir, I shall be very brief.

I beg to move that in sub-clause (*2*) of clause 3 in line 2 after the words "official receiver" the words "or Deputy Official Receiver" be inserted. This Bill as drafted by the Select Committee specifies the necessary qualifications of the Official Receiver. My object is to insert in the Bill the necessary qualifications of the Deputy Official Receiver as well. It will appear from the report of the Select Committee that the Select Committee considered it desirable to specify in the Bill itself the qualifications not merely of the Official Receiver but also of the Deputy Official Receiver and it seems to me that it is an omission on the part of the Select Committee not to insert such a clause with regard to the Deputy Official Receiver and the object of my amendment is to supply the omission.

Yesterday Mr. Dhirendra Nath Dutta moved amendment No. 9 and his object was that pleaders other than advocates and attorneys should also be entitled to hold the post of the Official Receiver and the Deputy Official Receiver. The Bill as drafted in the Select Committee limits the selection only to advocates and Solicitors. Whether the pleaders other than advocates and attorneys will also be qualified to hold these posts, it is for this House to decide. It seems to me that the Bill, as drafter in respect of the Official Receiver, should stand. I am further of opinion that it will not be difficult to find competent advocates and attorneys to hold the post of the Deputy Official Receiver.

Now, Sir, a word only with regard to the *benami* motion of Mr. Shahabuddin. I was simply amazed at the statement made by the Hon'ble Minister in charge yesterday, and, to use very mild language. I shall call it the gravest discourtesy on the part of the Chairman of the Select Committee to the members thereof who were definitely and unanimously of opinion and expressed in so many words in the report itself that the new sub-clause was inserted as it was considered desirable to prescribe the qualifications necessary for the offices of the Official Receiver and the Deputy Official Receiver, without leaving it to be done by the rules. That being the unanimous and deliberate opinion of the Select Committee, it is strange that the *benami* motion has been moved to-day. It will not be in the interests of the public service: it will only bring down the quality of the public service. I cannot help saying that it will only help Government to distribute its patronage right and left, which has been the feature of this Government during the whole of the year which is just expiring.

Mr. BIRENDRA KISHORE RAY CHOWDHURY: I beg to move that in sub-clause (*4*) of clause 3 in line 2, after the word "rights" the word "privileges" be inserted.

Sir, I find that in clause 4, line 6 after the word 'rights' the word 'privileges' has been inserted. In sub-clause 4 of clause 3 also the same word may be inserted so that the Official Receiver may have the same privileges after the passing of this Act as he may enjoy at present. The word privileges may appear to be a very innocuous word, and may be ordinarily regarded as useless in this sub-clause and specially so when other words, 'rights,' 'titles', etc., have been inserted. But still this harmless word should be added because, Sir, it may be interpreted to bear other implications than what are involved in the words 'titles' and 'rights.'

Mr. SANTOSH KUMAR BASU: Sir, before I speak on the motion, may I just ask the Hon'ble Minister to indicate the reason which actuated him to have this motion brought before the House. Mr. Shahabuddin has not been pleased to vouchsafe any reason whatsoever

in support of his amendment. We in the Select Committee had our own reasons, and before I speak as a member of the Select Committee, I would ask the Hon'ble Minister just to indicate his reasons at this stage before the debate proceeds further and before he gives his final reply.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: My friend, Mr. Santosh Kumar Basu, has very angrily pointed out the utter want of propriety on the part of the Chairman of the Select Committee. I can point out to him that so far as the Chairman is concerned, after he finished his labour, he sent the report of the Select Committee to the Hon'ble High Court. We all know that the Official Receiver is an officer of the Court and if he is not supported by the High Court, and if he is not in the confidence of the High Court, the whole case that we are thinking of making out will be dashed to pieces. In order to have that amount of confidence from the High Court, we wanted to know from them what they thought about all these changes. The Hon'ble High Court in their letter No. J. 13R/1/45/38, dated the 24th March, 1938, and my friend will understand from this date that this is subsequent to our consideration of the Bill. What they said is this:—

"I am directed to acknowledge receipt of your letter together with the report of the Select Committee on the Calcutta Official Receiver's Bill, 1938. With one important exception, the Court approves of the amendments suggested in the report of the Select Committee and considers that the Bill would be improved thereby.

The Court strongly disapproves of the suggested new sub-clause, clause 3, sub-clause (2). Under the Indian Companies Amendment Act, 1938, section 171A, it is provided that on the making of a winding up order, the Official Receiver shall become the Official Liquidator of the Company and shall continue to act as such until his continuance is terminated by an order of the Court. Such being the case, the observations of the Court concerning the Official Assignee contained in a letter No. 1016, dated the 8th March, 1934, and addressed to the Secretary to the Government of Bengal, Judicial Department, become relevant, because at that time it was anticipated that the Official Assignee might in future have to undertake the duties of an Official Liquidator It is desired that the attention of the Government of Bengal be drawn to this letter.

The Court therein observed that modern practice indicates that the chief qualification of such an Officer is a knowledge of accountancy. The suggested sub-clause wholly disregards this consideration and restricts the selection of the Governor to Lawyers, without requiring any qualification in accountancy. Doubtless the Governor would always consider the claims of Lawyers as well as of other persons properly

qualified but in the opinion of the Court, the Governor ought not to be confined in his selection to members of any particular profession".

The ideal of course would be a person who is qualified not only as a lawyer but as an accountant, a chartered or an incorporated accountant if such can be found. These considerations apply with almost equal force to the appointment of an Official Receiver. The Court has noticed with increasing frequency some inability on the part of the office of the Official Receiver to deal adequately with receivership of commercial undertakings owing to the lack of knowledge and experience in accountancy.

Mr. SANTOSH KUMAR BASU: I am obliged to the Hon'ble Minister for giving to the House the reason which has actuated him and his Department to sponsor this amendment. It is the High Court which have intervened in the matter after deliberations of the Select Committee were over, and they have suggested a deletion of this clause which requires that the post of the Official Receiver can only be filled by lawyers, namely, Advocates and Attorneys who are practising in the High Court, the reason put forward in their letter being that winding up proceedings have frequently to be undertaken by the Official Receiver and it is essentially necessary that a knowledge of accounts should be possessed by the incumbent holding that office. If the number of winding up applications and liquidation proceedings is so enormous that the time and energy of the Official Receiver will frequently be devoted to such cases, then certainly there can be justification for omitting this clause which demands that recruitment should be confined to lawyers only. If, on the other hand, liquidation proceedings do not form such a large proportion of the work of the Official Receiver then I think there is no justification whatsoever —with the greatest respect for the opinion of the High Court—for omitting the clause which has been inserted in the draft Bill by the unanimous decision of the Select Committee. I might tell the House that the Select Committee which decided to introduce this clause in the Bill contained as members several lawyers, with a long record as members of the profession. Mr. J. N. Basu was there. Mr. D. P. Khaitan who is no longer a practising lawyer but has great experience of work on the Original Side of the High Court was there; Mr. Promatha Nath Banerjee and Mr. Sarat Chandra Bose—all of them subscribed to this clause which was inserted by the Select Committee. Dr. Sanaullah, Mr. Abdul Latif Biswas, Mr. Tamizuddin Khan and Mr. Pulin Behary Mullick were also members of the Select Committee which unanimously arrived at the decision that these posts should be confined to the members of the Bar. Now this office of the Official Receiver has been held by members of the Bar for more than half a century. I do not know of any officer who has been the Officer Receiver of the High Court but has not been a member of the Bar. Similarly the posts of

the Administrator-General, the Deputy Administrator-General of Bengal, as also of the Official Trustee and the Deputy Official Trustee, and the Official Assignee are held by members of the Bar and I do not think that any case has been made out for a departure in the case of the Official Receiver. So far as the Administrator-General and the Deputy Administrator-General are concerned I know that some time ago a Deputy Administrator-General was recruited from the Provincial Service. Mr. L. B. Burrows, I think, acted for a certain time as Deputy Administrator-General. That was an exception in practice and I think the exception proves the rule. I do not think that any convincing reasons have been put forward by the Hon'ble Minister to justify a departure in the case of the Official Receiver. The Official Assignee, so far as I remember has got to be a member of the Bar and the Official Receiver should also be a member of the Bar, and recruitment should be confined to the profession from which recruitment has so long been made.

As regards winding up proceedings and liquidation proceedings, they form a very small proportion of the work of the Official Receiver—an extremely small proportion. If the desire of the Government and the desire of the High Court be to throw out this appointment to all and sundry whoever are considered fit and proper by the Government, then I have nothing to say. But if, on the other hand, the existing practice which has been sanctioned by a long series of years has to be adhered to in practice, then I do not see why this clause which has been inserted in view of the existing practice should be omitted by an amendment in the Assembly. It may be said that legislation is not necessary and that as a matter of fact, recruitment will be confined to the members of the profession. If that be the idea then I do not see any reason why the unanimous decision of the Select Committee should be given the go by in the House itself. If, on the other hand, it is intended that recruitment should be thrown open to the general public and no qualifications need be set out in the Act itself and it must be left to the Public Service Commission to fix the requisite qualifications, then I do not think a case has been made out for such a course to be adopted. Under the Government of India Act section 241, officers under the Crown are to be appointed on the recommendation of the Public Service Commission who will also fix the qualification. There is no reason why in respect of an office which has been in existence for a very long series of years the Assembly while for the first time legislating with regard to that office cannot be expected to lay down the qualifications considered most suitable by the Assembly. I think the High Court may be informed by the Department that having regard to the established practice which has worked so well up till now no case has been out for a departure to be made and that it should be accepted and recognised when the office is being converted into a statutory one. A hope has been expressed in that letter that it may

not be difficult to find a person having the necessary qualifications as a lawyer as well as an accountant. In actual practice, however, it would be difficult to find many candidates combining those qualifications so as to afford a fair field of choice. In the circumstances, there is no reason whatsoever in my submission why a departure should be made from the existing practice and why this unanimous decision of the Committee should not be accepted.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I will be very brief. I have no right to take up the precious time of the House, but I do not like to be very hard on those people who have been working as Official Receiver so long. The reason why we have been thinking of taking over the charge of the Official Receiver is this; we have found in the past frequent cases of defalcation owing to want of knowledge of the person who was appointed as the Official Receiver in the past (Cries of "no, no, never!) and in order to see that no further defalcation takes place in the matter of the Official Receiver's work we think it necessary that the man who should be appointed must have a thorough knowledge of accountancy as well.

Mr. SANTOSH KUMAR BASU: Then why not appoint an Accountant as head of every department?

Mr. P. BANERJEE: What happens in the Imperial Bank?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: If you are really serious in the matter and think that this work should be done in the best possible manner with the smallest number of people, you ought to have at the head a person who must have a thorough knowledge of business and a thorough knowledge of accountancy.

Mr. SANTOSH KUMAR BASU: Certainly!

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: And if a lawyer possesses that qualification that will not be a bar to his being appointed. What I suggest to the House is this that if you really want to make this new business which you are actually acquiring from the High Court a success you must place at the top a man who cannot only, deposit Rs. 1 lakh as the amount necessary for the security, but a man who has a thorough knoweldge of accountancy as well, so that he can every day check the accounts.

Mr. SANTOSH KUMAR BASU: Every day?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Yes, so that he can every day check the account; check the account every day and see that no defalcation occurs in the management of its affairs. So I appeal to the House to consider this and I simply ask the House to give us the freedom to choose the best man possible in consulation with the High Court.

Mr. SANTOSH KUMAR BASU: That is not the reason which the High Court has given: they do not talk about defalcation. Has there ever been a case of defalcation in connection with the Official Receiver's office?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Well, I put up this case before the House. I tell you that the reason why we are actually taking up this matter ought not to be so loudly proclaimed here (Hear hear), and now when you have been thinking that actually the cat is out of the bag.

Rai HARENDRA NATH CHAUDHURI: It is already out of the bag.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I tell you definitely that we have really found causes of complaint in the matter of management of the estates administered by the Official Receiver and that is why we are taking up the whole job to see that persons who go to the court and whose property is under liquidation or is going to the Official Receiver for better management should have that amount of work which, I think, the public can expect from them. As in the past these Official Receivers had not got the idea of accountancy and cannot every day check the accounts and realise the claim of those people whose property has been handed over to the Official Receiver, in time, I fear that all our hopes will be frustrated and although you give us the power to appoint, if you restrict that power to only a particular class of people without having regard to knowledge of accountancy as the High Court points out then really you do wrong to the very business which you are thinking of starting. I would therefore appeal to you to consider this aspect of the case and see if you could think your way to modify the decision that you have actually arrived at. I have absolutely, I can tell you, no axe to grind in a matter like this. I took the advice of the best lawyer in the matter and having received the advice of the best lawyer I want really to get the assistance of the Hon'ble High Court also in the matter who will actually give us work to carry on. When I see that these two are at loggerheads, I think a via media must be found out for purposes of working of the whole thing and I think that my friends, instead of

casting aspersions on a man who has stood before them and tried to explain the matter, if you try to understand the problem, you are bound to come to the only conclusion that I have come to that here you must have regard for the opinion of the High Court, and you must see that their opinion is respected. I hope that after this my friends will now think of revising their opinion and I hope they will support my Bill.

Khan Bahadur JALALUDDIN AHMAD: Will the Hon'ble Minister please tell us who was the Official Receiver when the defalcation took place?

Mr. SPEAKER: There has been no reference to defalcation yet. The Hon'ble Minister only said that there were grounds of complaint. So I do not think any other matter should be dragged in unnecessarily.

Mr. M. SHAMSUDDIN AHMED: Only the cat has been let out of the bag.

Mr. SPEAKER: You judge yourself.

Well, Nawab Sahib what about motions 6 and 13?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am sorry, Sir, I am coming to that. Young Mr. Ghose probably thinks that political sagacity does not probably find a place in those who are working in this House on this side and is all monopolised by them. However, Sir, I can tell him that so far as these Bills are concerned they are drawn up by the department, and the man who is dealing with it is simply carrying out the policy which the department and the High Court has practically placed before him. If you say therefore that there is absolutely no political sagacity in a man like me then you are doing a great wrong to me. (MR. SANTOSH KUMAR BASU: No, no, you have enough political sagacity in you.) Well I am simply an office-bearer to do certain work which the department entrusts to me, and if I do so do not think that I have not got any political sagacity which is demanded from us. (Cries of 'question, question').

Mr. SPEAKER: Will you come to amendment No. 13 now?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: All right, Sir. I will now take up the amendment of my friend Mr. Birendra Kishore Roy Chaudhuri. He says that after the word "rights", the word "privileges" should be inserted. I have no objection, Sir, to include the word "privileges" if that word will please him well. But I do not see that it will improve matters much. If he wants

to omit a word he can omit it, if he wants that word to be added well, I have no objection to add it either.

The motion of Mr. Atul Krishna Ghose that in sub-clause (*1*) of Clause 3 in line 2 the words "or more" be omitted, was put and lost.

The motion of Mr. K. Sahabuddin that sub-clause (*2*) of Clause 3 be omitted, was put and agreed to.

The following motion's therefore failed:—

Mr. Dhirendra Nath Datta to move that in sub-clause (*2*) of clause 3 in lines 2 to 4 for the words "an Advocate as defined in the Indian Bar Councils Act, 1926, or an Attorney enrolled by the Court" the words "a pleader as defined in the Code of Civil Procedure, 1908" be substituted.

Mr. Atul Krishna Ghose to move that in sub-clause (*2*) of clause 3 in line 4 after the word "Court" the following be added, namely:—

> "The Official Receiver must have a practice of fifteen years and the Deputy Official Receiver must have a practice of at least ten years."

The motion of Mr. Birendra Kishore Roy Chowdhury that in sub-clause (*4*) of Clause 3 in line 2 after the word "rights" the word "privileges" be inserted, was put and agreed to.

The motion that clause 3 as amended stand part of the Bill was put and agreed to.

Clauses 4 and 5.

The motion that clauses 4 and 5 stand part of the Bill was put and agreed to.

Clause 6.

Mr. BIRENDRA KISHORE RAY CHOUDHURY: I beg to move that in the proviso to sub-clause (*1*) of clause 6, in line 3, after the word "nor" the words "the Deputy Official Receiver nor" be inserted.

When there is a provision for one or more Deputy Official Receivers, I think that there should be a mention in the proviso of such a functionary. This is especially necessary in view of the fact that sub-clause (*6*) has been added to clause 3 of the Bill in which the position of the Deputy Official Receiver has been clearly emphasised. It should be known, Sir, that this sub-clause will virtually make the Deputy Official Receiver a coordinate authority with the Official Receiver. That makes the mention of the Deputy Official Receiver here doubly necessary.

Mr. PRABHUDAYAL HIMATSINGKA: I beg to move that in sub-clause (*3*) of clause 6, in line 3, after the words "the Official Receiver" the words "or Deputy Official Receiver or any of his officers" be inserted.

The reasons for my moving this amendment are as follows. By this sub-clause it is intended that for any liability which may be thrown on the provincial revenue on account of any default or negligence of the Official Receiver, he should be held personally liable, and we are providing that the amount involved should be recovered from him. As this Bill gives power to appoint a Deputy Official Receiver and other persons, if for any act on the part of these officers they make themselves liable for any default, I do not see any reason why they should not be brought under this sub-clause. There is also no reason why the Official Receiver should be held liable and not these other officers who have been left out. Either you must do away with the entire question of liability on general principle or you must include the Deputy Official Receiver or any of his officers who may be responsible personally.

With these words, Sir, I commend my amendment to the acceptance of the House.

Mr. SPEAKER: I take it that in substance this amendment is exactly the same as that of Mr. Birendra Kishore Ray Choudhury.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I oppose both the motions because we have already provided for this in clause 6(*3*), namely:—

> "Such officers while discharging any of the duties and exercising any of the powers of the Official Receiver shall be subject to the same liabilities as the Official Receiver."

The motion of Mr. Birendra Kishore Ray Choudhury that in the proviso to sub-clause (*1*) of clause 6, in line 3, after the word "nor" the words "the Deputy Official Receiver nor" be inserted, was put and lost.

The motion of Mr. Prabhudayal Himatsingka that in sub-clause (*3*) of clause 6 in line 3, after the words "the Official Receiver" the words "or Deputy Official Receiver or any of his officers" be inserted, was put and lost.

The motion that clause 6 stand part of the Bill was put and agreed to.

Clause 7.

Mr. ATUL KRISHNA GHOSE: I beg to move that in sub-clause (*2*) of clause 7, in line 2, after the words "classes of properties", the following be added, namely:—

"But under no circumstances the fees shall exceed five per cent. of the value realised".

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I oppose this amendment because I would leave to the law courts to decide what should be the fee to be given to the Official Receiver.

The motion of Mr. Atul Krishna Ghose that in sub-clause (*2*) of clause 7, in line 2, after the words "classes of properties" the following be added, namely:—

"But under no circumstances the fees shall exceed five per cent. of the value realised",

was put and lost.

The motion that clause 7 stand part of the Bill was put and agreed to.

Clause 8.

The motion that clause 8 stand part of the Bill was put and agreed to.

Clause 9.

Mr. SPEAKER: This amendment does not arise, because the recommendation has not come.

The motion that clause 9 stand part of the Bill was put and agreed to.

Clause 10.

Mr. DHIRENDRA NATH DATTA: I beg to move that for sub-clause (*1*) of clause 10, the following be substituted, namely:—

"(*1*) provisions in section 80 of the Code of Civil Procedure, 1908, shall apply to any suit against the Official Receiver".

I beg also to move that sub-clause (*2*) of clause 10 be omitted.

Sir, I will just state the reasons for moving these two amendments. The Official Receivers are public officers within the meaning of the Civil Procedure Code. If any suit is to be instituted against the Official Receivers, the provision of the relevant section must apply.

My reason for omitting sub-clause (2) I shall explain by means of an illustration. I shall cite a specific instance. In my own district, we have got an experience of the working of Official Receiver. A zamindary in my partition suit relating to district is pending before the High Court for more than a century, and the estate is being administered by the Official Receiver. It so happens that the ill-paid officer of the Official Receivers obtains a false rent decree after suppression of summons for a very petty sum, and put the decree into execution and purchases the property—it may be the whole of the property of a poor judgment-debtor—in execution of a decree after suppressing all the processes, and when the judgment-debtor comes to know of the auction purchase it is oftentimes necessary for him to bring a suit for setting aside the decree for a very paltry sum. It may be for Rs. 5. But for this paltry sum his everything has been sold. Oftentimes it becomes necessary to institute a suit against the Official Receiver for getting the decree set aside on the ground that the decree has been obtained by suppression of processes. But if for this petty suit, the permission of the High Court is necessary, it means a huge cost. If this clause (2) be deleted and if the provisions of section 80 of the Civil Procedure Code do apply, the object will be served, because if the notice be served upon the Official Receiver, he will have an opportunity of redressing the grievances, if there be any. There is no necessity of obtaining permission in a petty case like this which will involve a huge cost. I submit, Sir, these are the reasons, and I appeal to my friends on the other side to support the amendments, and also I appeal to the Hon'ble Minister to accept the amendments that I have moved.

With these words, Sir, I move my amendments.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I do not understand what the mover means by this that the Official Receiver should in every case have two months' notice before any case can be instituted against him. It does not help the poor litigant by waiting for two months before he could prefer a claim against the Official Receiver. On the contrary we have practically withdrawn that protection of the Official Receiver from Section 80 of the Civil Procedure Code. We say, that if the case is such a small one, if the matter is reported to the High Court, the High Court will at once give permission for compromising the case, or at least the High Court will ask for the immediate prosecution of the Official Receiver. So, I do not believe my friend is practically helping the poor agriculturists when he wants to add two months' notice to every suit that ought to be brought

against an Official Receiver. We say for the good of the poor litigant that this notice which will cost him something should be omitted, and the matter should at once be referred to the High Court or to any Court where the Official Receiver is working, and if the matter comes before the Court, the Court will at once decide it in favour of the man, and he will get all the relief.

Mr. SANTOSH KUMAR BASU: May I just point out one thing for the information of the Hon'ble Minister? In the Select Committee this question was very thoroughly considered, and the Select Committee came to this conclusion. But the difficulty which Mr. Dhirendra Nath Datta has pointed out is a difficulty pointed out by the High Court in the other case. The Hon'ble Minister may take into consideration,—I am appealing to him even now after his reply with special permission,—that in view of clause 2 which provides that the permission of the Court will have to be taken—the Court means the High Court—Mr. Dhirendra Nath Datta has pointed out that the Official Receiver has got to administer large estates scattered all over the country, and the poor cultivator litigant has got to challenge a decision of a Court for setting aside a sale involving 5 or 10 rupees value. Has he got to come to the High Court, and get the permission of the High Court before instituting a suit in a remote mofussil Munsif Court against the Official Receiver?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: This suit as I find is a suit not of an ordinary nature as my friend is now pointing out. The provision is "that the Official Receiver shall not sue or be sued without the express permission of the Court." So, if you say that the Official Receiver should not have any protection whatsoever from unnecessary litigation, then you can omit No. 2. But I believe the Official Receiver should also get some notice if the matter comes to the Court.

Rai HARENDRA NATH CHAUDHURI: Then accept 26.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I am not accepting it. What I say is this. If we continue this, it will be of assistance to both the parties. My own experience in the matter is this. As regards the Official Receiver, if the matter once comes to the Court and the Court is informed that a wrong thing is being done by the Official Receiver in an outlying part of the country, the Court will at once order that the case ought to be compromised.

The motion of Mr. Dhirendra Nath Datta that for sub-clause (*1*) of clause 10 the following be substituted, namely:—

"(*1*) provisions in section 80 of the Code of Civil Procedure, 1908, shall apply to any suit against the Official Receiver"

was put and lost.

The motion of Mr. Dhirendra Nath Datta that sub-clause (*2*) of clause 10 be omitted was put and lost.

Clause 10.

The motion that clause 10 stand part of the Bill was put and agreed to.

Clause 11.

Mr. Manmatha Nath Roy did not move his amendment.

The motion that clause 11 stand part of the Bill was put and agreed to.

Mr. SPEAKER: The other motions do not arise.

Preamble.

The motion that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Sir, I move that the Bill, as settled in the Assembly, be passed.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, we understand that the members of the Select Committee and certain members of the Coalition Party were good enough to request the Hon'ble Minister in charge to give them——

Mr. SPEAKER: Order, order.

The motion that the Bill, as settled in the Assembly, be passed was put and agreed to.

Adjournment.

The Assembly was adjourned till 6 p.m. on Friday, the 1st of April, 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 1st April, 1938, at 6 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, eleven Hon'ble Ministers and 210 members.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Expenditure on jute restriction propaganda work in Tippera.

96. Mr. MAQBUL HOSAIN: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing, thana by thana, for the year 1937-38—

(*a*) what amount, if any, was allotted to the Tippera district for jute restriction propaganda;

(*b*) who were the officers appointed to carry on the propaganda; and

(*c*) what were their remuneration?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Rs. 2,474 was allotted to Tippera district. No allotment, thana by thana, was made.

(*b*) and (*c*) A statement is placed on the table.

Statement referred to in the answer to clauses (b) and (c) of unstarred question No. 96.

Names of persons appointed to make propaganda for jute restriction in the Tippera district in 1937-38.	Remuneration.
1. Babu Phanindra Ganguly, Lecturer, Sadar subdivision.	Rs. 50 *plus* fixed travelling allowance of Rs. 30 per mensem.
2. Maulvi Shamsul Huda Chaudhury, Lecturer, Brahmanbaria subdivision.	Ditto.
3. Maulana Muhammad Abdul Haque, Lecturer, Chandpur subdivision.	Ditto.
4. Babu Surendra Nath Sen, Special Demonstrator for the whole district.	Grade pay *plus* 1/5th of his ordinary pay and a fixed travelling allowance of Rs. 30 per mensem.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether Maulvi Abdul Wahed delivered any lecture anywhere on jute restriction?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice, Sir.

Mr. SHAHEDALI: Will the Hon'ble Minister be pleased to state whether, as a result of jute restriction propaganda, the area under jute has increased greatly in the Chandpur subdivision?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: That is a matter of opinion.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state when the jute restriction officers were appointed?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice, Sir.

Dr. NALINAKSHA SANYAL: Is it a fact that the area under jute cultivation in that particular district has increased?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: No.

Establishment of the Royal Botanic Gardens, Sibpur.

97. Mr. JASIMUDDIN AHMED: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state the present total number and the number of Mussalmans in them employed in each class of posts in the Royal Botanic Gardens, Sibpur, and the gardens attached to it, in the different sections of services?

(*b*) What is the number of Muhammadans in the upper division of the clerical establishment?

(*c*) What is the qualification required for the post of the Herbarium Assistants?

(*d*) Whether there is a private system of training men in the Herbarium for the posts of Herbarium Assistants?

(*e*) If so, what facility is given to Muhammadans?

(*f*) If not, how are they recruited?

(*g*) Whether it is a fact that the present Curator of the Herbarium is officiating as Superintendent in the absence of the permanent incumbent who is on leave preparatory to retirement and that the former is going to be permanently appointed in the post of Superintendent?

(*h*) If so, will the Hon'ble Minister be pleased to state whether Government contemplate giving preference to Muhammadans in filling up the post of the Curator of the Herbarium?

(*i*) Is the Hon'ble Minister considering the desirability of filling up every future vacancy in the superior, clerical, Herbarium and artist services by Muhammadans till the prescribed percentage is reached?

(*j*) Will the Hon'ble Minister be pleased—

(*i*) to lay on the table a statement showing the number of vacancies that occurred in clerical, Herbarium, artists, time-keeper and storekeeper sections during the last ten years; and

(*ii*) to state what attempts were made to secure Muhammadan candidates, either by advertisement or by reference to recognised Muhammadan institutions?

(*k*) If no attempts were made, the Hon'ble Minister will please say the reasons thereof?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) A statement is placed on the Library table.

(*b*) Nil.

(*c*) These posts require considerable technical experience. Candidates must have sufficient botanical knowledge so as to be able to discriminate different families of plants by sight, sort them out and arrange them in classified order when the specimens come in for determination. They must also be able to assist the botanists in their botanical exploration work.

(*d*) There is no recognised private system of training men in the Herbarium, but facilities are afforded to those who show intelligence and inclination to learn this specialised work. Such men associate themselves with senior Herbarium Assistants and gradually pick up the work.

(*e*) No Muhammadans have so far offered themselves for such training.

(*f*) The present incumbents of these posts belong to the Scheduled Castes and they learnt the work from their relations who were then holding these posts. They were thus the only suitable men available and were therefore appointed.

(*g*) The permanent Curator of the Herbarium is now acting as Superintendent during the leave of the permanent Superintendent. The question of his permanent appointment as Superintendent has not yet been decided.

(*h*) The post of the Curator of the Herbarium requires very high technical knowledge and it is difficult to secure a suitable man for this post on communal basis. I can, however, assure the hon'ble member that if a suitable Muhammadan is available his claims will not be overlooked.

(*i*) I have issued an order directing that the first two consecutive appointments out of every three vacancies in these posts should go to Muhammadans subject to men of the minimum qualifications required being available until the prescribed percentage for Muhammadans is reached.

(*j*) (*i*) During the last ten years vacancies occurred in the posts of two clerks, two artists and one storekeeper.

(*ii*) One of the two posts of clerks has been kept in abeyance and the other has been filled up by a Muhammadan. The posts of artists are of a specialised nature and they could not be filled up on communal basis. The post of the storekeeper was filled up by appointment of a retrenched officer.

(*k*) This is covered by answer to clause (*j*) (*ii*) of the question.

Cases filed and stayed by the Debt Settlement Boards in Dinajpur.

98. Mr. NISHITHA NATH KUNDU: (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing since their formation—

(*i*) the number of cases filed before and stayed by the Debt Settlement Boards in the district of Dinajpur; and

(*ii*) the number of cases disposed of by the aforesaid Boards in the said district?

(*b*) Is the Hon'ble Minister aware that the disposal of cases by the ordinary and special Boards have been slow?

(*c*) If so, what are the reasons for such slow disposals?

(*d*) What steps do the Government propose to take to speed up disposals?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (a) A statement is laid on the table.

(*b*) Yes.

(*c*) Multiplicity of creditors in individual cases, non-appearance of many creditors, and reluctance of others to enter into a settlement are mainly responsible for slow disposal.

(*d*) A circular has recently been issued drawing attention to the necessity for speedier disposal, and prescribing certain methods for securing this object.

Statement referred to in the reply to clause (a) of unstarred question No. 98.

(*i*) Filed—19,045 and stayed—8,277 up to 31st December, 1937.

(*ii*) 4,826 up to 31st December, 1937.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what steps, if any, have been taken to speed up the disposal of these cases?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would refer the honourable member to my answer (*d*).

Mr. NISHITHA NATH KUNDU: Does not the Hon'ble Minister think it desirable to appoint whole-time members for speeding up the disposal?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is not possible under present circumstances, but we have issued instructions requesting the members to sit longer and for a larger number of days in the week.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that great inconvenience is felt owing to delay in the disposal of these cases?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That is, perhaps, more or less a matter of opinion.

Temporary assistants working at present in the various departments of the Secretariat.

99. Mr. MD. ABDUL HAKIM VIKRAMPURI: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing for the Secretariat—

(*i*) the number, educational qualifications and length of service of temporary assistants working at present in the various departments; and

(*ii*) how many of them are—

(1) Muslims;

(2) Hindus; and

(3) Christians?

(*b*) How are such assistants recruited?

(*c*) Is it a fact that temporary assistants who put in their services for two years and even more are not being absorbed in future vacancies of the Secretariat?

(*d*) If so, why?

(*e*) What steps, if any, are being taken by Government to employ such temporary assistants as have been found really efficient?

(*f*) Are Government considering it desirable to provide temporary assistants who have served Government for a considerable period of time and have become age-barred for employment elsewhere?

(*g*) If not, why not?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) A statement is laid on the table.

(*b*) Subject to exceptions provided in the rules, temporary assistants are recruited from the waiting list of persons who qualified at the examination for permanent vacancies.

(*c*) Yes.

(*d*) The scheme of the rules is that vacancies on the permanent establishment should be given to examinees of the year in which the vacancies are due to be filled.

(*e*) to (*g*) I am informed that no proposal to depart from this scheme is under consideration but I will look into the matter.

Statement referred to in the reply to clause (a) of unstarred question No. 99.

(a)(i) Number of temporary assistants.	Educational qualifications.		Length of service.	(a)(ii)(1) Muslims.	(a)(ii)(2) Hindus.	(a)(ii)(3) Christians.	Scheduled Castes.
82	Non-matric ..	1	Varies from 1 month to 13 years 8 months.	24	52	5	1
	Matric ..	5					
	I.A. or I.Sc. ..	14					
	B.A. or B.Sc. ..	52					
	B.L. ..	2					
	M.A. ..	4					
	Junior Cambridge ..	2					
	Senior Cambridge ..	2					
		82					

Appointment of Scheduled Caste clerks in the Civil Courts.

100. Babu KSHETRA NATH SINGHA: (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state the present total number of clerks in civil courts in each district of Bengal showing in a table the number of—

(*i*) Caste Hindus;

(*ii*) Scheduled Castes; and

(*iii*) Muhammadans?

(*b*) What steps do the Government propose to take to accelerate the progress of appointments for the Scheduled Castes to reach the fixed quota prescribed by Government circulars issued in 1931 and 1936?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) A statement showing the position when the last returns were submitted on the 1st April, 1937, is laid on the Library table.

(*b*) Judges are required to submit the above statement annually so that Government may watch the position and draw their attention in case of failure to comply with the circulars.

Noakhali District Board.

101. Mr. SYED ABDUL MAJID: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing for the last five years (1932-1938)—

(*a*) the sum paid to the Noakhali District Board out of the amount representing 1½ per cent. on demand from the Government estates; and

(*b*) the amounts spent by the said Board for the development of the roads and communications in the Government estates (*khas mahal*) of Sandwip, Hatiya and Ramgati to be shown separately?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): A statement is laid on the Library table.

Allegations against some officers of the Midnapore Zamindary Company, Limited.

102. Mr. BIRAT CHANDRA MANDAL: (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that a petition was submitted on the 15th February, 1937, to the District Magistrate of Nadia by over 200 villagers of Kapasdanga and neighbouring villages within that district praying for an inquiry into certain allegations against some officers of the Midnapore Zamindary Company, Limited; and

(*ii*) that the District Magistrate refused to hold the inquiry?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay a copy of the reply that the District Magistrate of Nadia gave to Maulvi Aftab Hossain Joardar, M.L.A.?

(*c*) Are the Government considering the desirability of instituting an inquiry into the matter referred to in the petition mentioned in (*a*) (*i*)?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Yes.

(*ii*) No personal enquiry was made by the District Magistrate, but the matter was inquired into by the Circle Officer.

(*b*) Laid on the table.

(*c*) Does not arise.

Letter referred to in the reply to clause (b) of unstarred question 102.

No. 610Con., dated Krishnagar, the 25th March, 1937.

From—M. M. Stuart, Esq., I.C.S., District Magistrate, Nadia,

To—Maulvi Aftab Hossain Joarder, Member, Legislative Assembly, Bengal.

SIR,

With reference to your letter, dated the 15th February, 1937, forwarding a petition of the inhabitants at Kapasdanga and the neighbouring villages containing allegations against the officers of the Nischindipur concern, I have the honour to state that I regret I cannot hold a personal inquiry into such a matter. Any specific allegations should be taken to the court, but if it is simply a prosecution of the gentleman owing to political matters, I would ask you to drop your connection therewith.

I have, etc.,

Sd. M. M. STUART,

District Magistrate, Nadia.

Recruitment of sub-inspectors of police and constables from the members of Scheduled Castes in the districts of Bogra and Pabna.

103. Babu MADHUSUDAN SARKER: Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing separately for the last four years 1934-1937 for the districts of Bogra and Pabna—

(*a*) the number of constables recruited;

(*b*) the number of sub-inspectors of police recruited; and

(*c*) the number of Scheduled Castes recruited in those services?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 103, showing the number of sub-inspectors and constables recruited from Bogra and Pabna during 1934-1937.

	Sub-inspectors.								Constables.							
	Total number.				Number of Scheduled Castes.				Total number.				Number of Scheduled Castes.			
	1934.	1935.	1936.	1937.	1934.	1935.	1936.	1937.	1934.	1935.	1936.	1937.	1934.	1935.	1936.	1937.
Pabna ..	..	1	1	1	..	..	..	..	32	22	22	25	..	..	..	..
Bogra ..	..	..	2	1	..	..	..	..	30	7	12	14	..	..	1	1

Babu MADHUSUDAN SARKER: Will the Hon'ble Minister be pleased to state what is the reason for the total exclusion of members of the scheduled castes from recruitment in those years?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am sorry, I am not responsible for what happened in those years.

STARRED QUESTIONS

(to which oral answers were given)

Monument in memory of the late Nawab Serajud-daulah.

*349. **Maulvi ABDUL WAHED:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether the Government contemplate taking steps to have at the place of his death a monument in memory of the late Nawab Serajud-daulah, the last independent ruler of Bengal?

(*b*) If so, when?

(*c*) If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Government have not considered the question.

(*b*) Does not arise.

(*c*) This is a matter in which the initiative should come from the public.

Mr. JOGESH CHANDRA GUPTA: Is the Hon'ble Minister aware that on public platforms and in the press there has been an agitation for the removal of this monument? (Laughter.)

Mr. SPEAKER: That question does not arise in connexion with this question.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether Government consider it desirable to erect a monument?

Mr. SPEAKER: That question does not arise.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether Government are prepared to consider this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to my answer (*c*).

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether Government are aware that the place where Nawab Serajud-daulah was put to death is considered as sacred by the pilgrims who visit Murshidabad?

Mr. SPEAKER: That question does not arise.

Mr. SYED JALALUDDIN HASHEMY: In view of the fact that the public has not yet taken any initiative in this matter, will the Hon'ble Minister be pleased to state whether he will consider the desirability of taking an initiative in the matter on behalf of Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think that this is a matter in which non-officials should come forward and erect a monument which will be a record of what took place there.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the monument, if erected, will be protected under the Ancient Monuments Preservation Act, and that, therefore, the public are not entitled to move in this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware of this.

Mr. NIHARENDU DUTTA MAJUMDAR: Will the Hon'ble Minister be pleased to state whether Government contemplate making an appeal to the public to start collecting funds for erecting a monument?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to consider whether responsible Ministers under the new Constitution are not also representatives of the public in this matter?

Mr. SPEAKER: That question does not arise.

Maulvi ABU HOSSAIN SARKER: Will the Hon'ble Minister be pleased to state whether there is any bar to Government taking an initiative in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government are prepared to assist in the matter, if non-officials come forward and take up this question?

Maulvi ABDUL LATIF BISWAS: In view of the fact that the Hon'ble Minister is a public servant, will the Hon'ble Minister be pleased to state as a public servant whether he considers it desirable to have a monument erected at the place where Nawab Serajud-daulah was killed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have already stated, Sir, that if there is any general demand, Government will consider the matter and steps will be taken.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he considers this question, No. 349, to be in the nature of an initiative on the part of the public since it has been put by a representative of the people?

Mr. SPEAKER: That question does not arise.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state as to what form this assistance will take, in case an initiative is taken?

Mr. SPEAKER: That is a hypothetical question.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware that there is a feeling amongst the public that Government are not prepared to erect a monument in memory of Nawab Serajud-daulah on account of the antipathy of the British against him?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAJUMDAR: Is the Hon'ble Minister aware that Nawab Serajud-daulah has been much slandered by the British Government?

Mr. SPEAKER: That question does not arise.

Installation of a cinema house by the side of the Reshampati Jumma Mosque, Rajshahi.

*350. **Maulvi MOSLEM ALI MOLLAH:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that a cinema house has been installed by the side of the Reshampati Jumma Mosque of the Rajshahi town;

(*ii*) that the Muslim public have made representation to the local officers against its installation there; and

(*iii*) that feelings of discontent exist among the Muslims since its installation?

(*b*) Will the Hon'ble Minister be pleased to state whether it is a fact that the Rajshahi Muslim League have also made a representation to the Hon'ble Minister, Home Department, in the form of a resolution for closing down the cinema?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

(*d*) Are the Government considering the desirability of enquiring into the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) Yes.

(*c*) and (*d*) The matter is under investigation.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state when Government expect to come to a decision regarding the investigation that is going on about the Cinema House and the Mosque?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is very difficult to say when we shall be able to arrive at a decision, but Government will enquire into the matter very thoroughly.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that the feeling there amongst the Muslims is very strong over this question of the location of the Cinema House, and that ultimately things may end in communal troubles?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have had many representations on this subject, especially from the Muslim M. L. A's. of the Rajshahi Division.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when the Cinema House was constructed and when these representations, complaining about its erection, were received by Government? What are the dates?

The Hon'ble Khwaja Sir NAZIMUDDIN: Before the construction of the Cinema House was completed, representations started pouring in.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the mosque in question was never used at the time when the Cinema House was constructed, and that this fact is admitted by the Muslims themselves?

Mr. SPEAKER: I think, Dr. Sanyal, I should appeal to you not to put questions of this nature, because they relate to very delicate matters.

Dr. NALINAKSHA SANYAL: Alright, Sir, I withdraw my question.

Removal of the office of the Conservator of Forests from Calcutta to Darjeeling.

*351. **Khan Sahib HAMIUDDIN AHMAD:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*a*) when was the office of the Conservator of Forest removed from Calcutta to Darjeeling;

(*b*) when was the order of removal passed and what was the reason for doing so; and

(*c*) whether the Government consider it desirable to reconsider the previous decision?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) 1st March, 1937.

(*b*) 20th February, 1937. Reasons were efficiency and convenience of working. It should be noted that, during the cold season, the Senior Conservator spends most of his time on tour, and during the hot weather both the Minister and the Senior Conservator are in Darjeeling.

(*c*) Government will certainly alter the existing arrangement if it proves to be unsatisfactory. It seems to be working well at present.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether any additional expenditure is incurred on account of the removal of the headquarters of the Conservator of Forests from Calcutta to Darjeeling, and, if so, how much a year?

The Hon'ble Mr. PRASANNA DEB RAIKUT: As far as I can say, Sir, the additonal expenditure is not much: it is about Rs. 800.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state the reasons which lead him to think that the removal of the office of the Conservator of Forests from Calcutta to Darjeeling has been responsible for greater efficiency and convenience of work?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I would refer the honourable member to my answer (*b*).

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state what special advantages Darjeeling possesses as a touring centre?

The Hon'ble Mr. PRASANNA DEB RAIKUT: In the Northern Circle the Senior Conservator and Junior Conservator can arrange for touring and working plans and so forth.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state how was it that when the office was in Calcutta it was convenient on the part of the officers to go on tour during the hot weather and work in Calcutta during the winter?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I have stated the answer in (*b*).

Temporary staff of the Medical College and Medical College Hospitals, Calcutta.

***352. Mr. SERAJUL ISLAM:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that the temporary staff consisting of 14 clerks appointed since 1928 in the office of the Principal, Medical College, Calcutta, have not been made permanent?

(*b*) Is it a fact that the post of the Secretary, Medical College Hospitals, Calcutta, has been made permanent with retrospective effect?

(c) If the answers to (a) and (b) are in the affirmative, are the Government considering the desirability of taking steps—

(i) to make the said temporary staff permanent with retrospective effect; and

(ii) to give the said temporary clerks the benefit of their service for the last 10 years towards increment and pension?

The Hon'ble Mr. SYED NAUSHER ALI: (a) Yes. The posts are purely temporary.

(b) No. The post of Secretary, Medical College Hospitals, is permanent. The incumbent of the post was, however, appointed in a temporary capacity and has been made permanent with retrospective effect from the date of his appointment.

(c) The whole matter is under my consideration in connection with a scheme of reorganisation of the Medical College and Hospitals offices.

The Hon'ble Mr. SYED NAUSHER ALI: With reference to answer (b), the word "No" at the beginning is somewhat misleading and may be deleted.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state who is the present incumbent of the post of Secretary, Medical College Hospitals, and is it a fact that he has only recently been appointed?

The Hon'ble Mr. SYED NAUSHER ALI: I think Mr. K. S. Mitra is the Secretary of the Medical College Hospitals.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is not a fact that Mr. S. N. Chakraverti who was holding the post of the Secretary, Medical College, was peremptorily asked to take leave?

The Hon'ble Mr. SYED NAUSHER ALI: The matter of the Secretaryship of the Medical College does not arise out of the question; but I would be prepared to answer if the question is pressed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if before the present incumbent was made permanent, the matter was referred to the Public Service Commission?

The Hon'ble Mr. SYED NAUSHER ALI: The present incumbent was appointed on the 1st October 1928 and was confirmed on the 30th March 1937 before we came into office.

Bhatara Union Board, Mymensingh.

*353. **Mr. ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that No. 14 Bhatara Union Board in police-station Jamalpur in the district of Mymensingh has not been reconstituted for about 8 years?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state reasons for this unusual delay in holding the election of the said Board?

(*c*) Whether the Government contemplate to reconstitute the said Board without further delay?

The Hon'ble Mr. SYED NAUSHER ALI: The reconstitution of the Union Board was due in 1936 but was held up pending the final decision of the question as to the boundary between this and two other neighbouring boards, which has since been settled. The election has been fixed for June next.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the names of the two neighbouring boards and if we are to understand that the reconstitution of these two boards have also been kept pending and if not, what are the causes of this differential treatment?

The Hon'ble Mr. SYED NAUSHER ALI: I would ask for notice.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if the same policy has been adopted in all these three union boards because of disputes regarding their boundaries?

The Hon'ble Mr. SYED NAUSHER ALI: In this case also I would ask for notice. It is not possible to say off-hand whether the terms expired at the same time.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state who settled this boundary question?

The Hon'ble Mr. SYED NAUSHER ALI: Government in the Home Department.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state if the Circle Officer has had any hand in it?

The Hon'ble Mr. SYED NAUSHER ALI: It is always done on the report of the local officers.

Bye-election of Choradhap Union Board, Mymensingh.

***354. Mr. ABDUL KARIM:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that a bye-election of Choradhap Union Board, police-station Jamalpur, in the district of Mymensingh, took place about a year ago and that the result of the said bye-election has not yet been published in the *Calcutta Gazette*?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for not publishing the same?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Yes.

(*b*) The result of the election was not communicated to the District Magistrate through oversight. The notification has now been sent to the Government Press for publication.

Scheduled Caste member in the Dacca Collectorate.

***355. Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether there is any Scheduled Caste member in the upper division of the Dacca Collectorate?

(*b*) If not, why not?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy: (*a*) Yes. There is one clerk.

(*b*) Does not arise.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether it was an oversight of the Department of Local Self-Government or an oversight of somebody at Mymensingh?

The Hon'ble Mr. SYED NAUSHER ALI: These matters do not come to the Local Self-Government Department at all.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to to state whose duty it was to report the result of the selection to the District Magistrate?

The Hon'ble Mr. SYED NAUSHER ALI: Generally at the instance of the Circle Officer, the Subdivisional Officer reports to the District Magistrate.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if any steps whatsoever was taken regarding the latches of the Circle Officer to report to the District Magistrate?

The Hon'ble Mr. SYED NAUSHER ALI: This matter only came to our notice when the question was put.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state it the District Magistrate was kept aware by the Circle Officers regarding the elections that took place in the district?

The Hon'ble Mr. SYED NAUSHER ALI: That is a general question whether he is kept aware of the result of elections by the Circle Officers. This was a case of bye-election. It did not attract the same attention as in the case of general election.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if he thinks it desirable to take any steps against the Circle Officer who did not report the result in time?

Mr. SPEAKER: It is a request for action and so it does not arise.

SHORT-NOTICE STARRED QUESTION.

Statement in connection with release of detenus and political prisoners.

***355A. Mr. ABDUR RAHMAN SIDDIQUI:** (*a*) Will the Hon'ble Minister in charge for the Home Department be pleased to state whether he had recently any conversations with Mahatma Gandhi in connection with the release of detenus and political prisoners?

(*b*) If so, will he be pleased to make a statement on the subject?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes. (*b*) I regret that I do not think it advisable to make any statement at present.

Mr. ABDUR RAHMAN SIDDIQI: Will the Hon'ble Minister be pleased to state if these conversations were held by him in his private capacity or as a Minister of the Crown?

The Hon'ble Khwaja Sir NAZIMUDDIN: As Minister of the Crown.

Mr. ABDUR RAHMAN SIDDIQI: Will the Hon'ble Minister be pleased to state if he would take the House into confidence about this matter before the prorogation of the present session?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government policy has been announced and conversation has been going on, but I cannot say what will happen at the end.

Mr. K. NOORUDDIN: Will the Hon'ble Minister be pleased to state if he intends having any further conversation with Mahatma Gandhi during his present visit?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Srijut Devendranath Karmakar.

104. Mr. NARENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state whether it is a fact that Srijut Devendranath Karmakar of Swarupkathi, district Barisal, arrested under the Criminal Law Amendment Act in December, 1935, was released unconditionally shortly after from the Dacca Jail?

(*b*) Is it a fact—

(*i*) that after his release he had been looking after his business;

(*ii*) that in March, 1936, he was served with a restriction order by virtue of clause (*d*) of rule 16-A of the Bengal Suppression of Terrorist Outrages Rules, 1934;

(*iii*) that he cannot go outside between 6 p.m. and 6 a.m.;

(*iv*) that he cannot receive visits from any person who is not a permanent resident of the village Swarupkathi;

(*v*) that he has to report himself and submit diaries of his movement and doings once a week to the officer in charge of Swarupkathi police-station;

(*vi*) that these restrictions have adversely affected his business;

(*vii*) that he is starving with his wife and children; and

(*viii*) that he is unable to marry his grown up daughter and educate his children?

(*c*) Is it a fact that no allowance has been granted to him for his personal expenses?

(*d*) Is it a fact that the application submitted by Srijut Devendranath Karmakar to the District Magistrate, through the thana officer, was returned to him on the 25th January with the note written on a separate paper "Return it to the owner, as I have no concern with this application"?

(*e*) If the answer to (*c*) is in the affirmative, are the Government considering the desirability of granting an allowance to him or withdrawing these restrictions imposed upon him?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) (*i*) to (*v*) Yes.

(*vi*) to (*viii*) No.

(*c*) Yes. On enquiry it was found that no allowance was justified.

(*d*) No such complaint has been received by the District Officer.

(*e*) Orders are being issued withdrawing all restrictions.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state with reference to answer (*b*) (*vi*), what is the basis of his answer "no"?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because he has relations who could assist him in his business and restriction on his movements could not affect the business.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if he is aware that his business demands his presence in the business house after 6 p.m.?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I have said, he has got relations who assist him.

Mr. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if he is aware that he has got no other relation than his aged father?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so.

Mr. ATUL KRISHNA GHOSE: With reference to (c), will the Hon'ble Minister be pleased to state what are the reasons and what is the information that have led him to say that no allowance is justified to that detenu?

The Hon'ble Khwaja Sir NAZIMUDDIN: His financial position is such that he can maintain himself without allowance.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state what is the basis of his information that his financial position is so well that he does not require any allowance whatsoever?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not possible to answer that question.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if the detenu has ever paid any income-tax so that his income could be ascertained from that?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: With reference to answer (b), will the Hon'ble Minister be pleased to state whether his application was given through the thana officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state if it is in his contemplation to hold another enquiry into this matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, I do not think so.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to consider the desirability of giving any allowance to the detenu?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not see any case has been made out for the grant of an allowance. If any hon'ble member has got facts to bring to my notice, I can look into it.

Oil mills.

105. Mr. NARENDRA NATH DAS GUPTA: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay a statement showing for (1) Calcutta, (2) its suburbs, and (3) mufassal areas of Bengal—

(*i*) how many oil mills under the Factory Act were operating in 1930; and

(*ii*) how many of them are at present operating?

(*b*) What are the causes which have contributed to the closing down of many of these mills?

(*c*) Is the Hon'ble Minister aware that the railway freight on oil seeds imported to Bengal have been increased and other facilities have been afforded by the modification of Factory Laws to the oil mills in the United Provinces and other provinces?

(*d*) If the reply to (*c*) is in the affirmative, are the Government considering the desirability—

(*i*) of approaching the Railway Board for the reduction of freights on oil seeds imported to Bengal; and

(*ii*) of taking steps for the amendment of Factory Act in Bengal in line with Factory Acts of other provinces, especially the United Provinces?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) how many operatives have been thrown out of employment on account of the closing down of these mills in Calcutta, its suburbs and other places in Bengal; and

(*ii*) how much capital has been lost on account of this closing down of mills?

(*f*) What quantity of oil was imported in Bengal in 1930 and 1937?

(*g*) Have the Government in possession a report showing for 1930 and 1937, the quality of—

(*i*) imported oil; and

(*ii*) oil prepared in Bengal?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) A statement is laid on the table.

(*b*) Government have no authentic information about the causes of the decline of the oil mill industry in Bengal.

(*c*) I have no official information about the increase of railway freight on oil seeds.

Factory Law is uniform throughout India except where exemptions are granted. As far as I am aware the conditions of exemptions in this Province are not more strict than those in other provinces.

(*d*) (*i*) The matter will be referred to the appropriate department for consideration. I would advise, however, the interests affected to take up the matter with the Railway Board or the Railway Rates Advisory Committee.

(*ii*) In view of the answer to (*c*) above, this question does not arise. I shall be glad if the hon'ble member will give me concrete information.

(*e*) (*i*) Roughly 558.

(*ii*) and (*f*) I have no information.

(*g*) No.

Statement referred to in the reply to clause (a) of unstarred question No. 105.

Districts.	Number of oil mills.	
	1930.	1937.
Calcutta	24	11
24-Parganas	14	6
Howrah	8	4
Murshidabad	2	2
Burdwan	3	6
Birbhum	1*	2
Bankura	1*	2
Dinajpur	1*	1*
Bakarganj	1	1
Total ..	55	35

*Has a rice mill attached.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in view of the closing down of a large number of oil mills in Bengal, Government consider it desirable to make a special enquiry into this question?

The Hon'ble Mr. H. S. SUHRAWARDY: Oil mills having been closed down?

Dr. NALINAKSHA SANYAL: But my question was whether Government consider it desirable to make a special enquiry.

The Hon'ble Mr. H. S. SUHRAWARDY: If the hon'ble member wants me to make an enquiry I may say that certain courses have been suggested in the question and those suggestions I have referred to the appropriate departments for consideration. I would advise the interests affected to take up the matter with the Railway Board or the Railway Rates Advisory Committee.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that one of the causes of the closing down of the oil mills is the discriminatory treatment by the Government of Bengal which is quite different from the treatment of the Government of the United Provinces in the matter of application of Factory Law, and in view of that will he make an enquiry?

The Hon'ble Mr. H. S. SUHRAWARDY: I think I have already replied to that. There is no such discrimination.

Mr. NARENDRA NATH DAS GUPTA: Is the Hon'ble Minister aware that the freight charged for mustard oil from United Provinces to Howrah is ;27 pie per maund per mile and from Howrah to United Provinces 0·42 per maund per mile?

The Hon'ble Mr. H. S. SUHRAWARDY: I was not aware of that; but I do not dispute the figures.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that of the two oil mills in Murshidabad, one has been closed down?

The Hon'ble Mr. H. S. SUHRAWARDY: We are in 1938 while the statistics refer to 1937.

Mr. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether the present freight rate for the mustard oil from United Provinces to Howrah works out to ;27 per maund per mile while the present average rate for mustard seeds to Calcutta is 0;16 per maund per mile?

Mr. SPEAKER: That is not a matter for the Provincial Government.

Mr. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state if it is not a fact that half the charge is levied in the B. B. C. I. and North Western Railways?

The Hon'ble Mr. H. S. SUHRAWARDY: All these are quite possible. Why does not the hon'ble member ask the interests affected to go to the Railway Rates Advisory Committee? Certainly, the hon'ble member cannot expect the Government to take up the matter to the Railway Rates Advisory Committee and ask for the reduction of rates.

Rai HARENDRA NATH CHAUDHURI: Why should not the Government do it?

Mr. SPEAKER: I think that is a question which ought to be addressed to the Industries Department.

Dr. NALINAKSHA SANYAL: All these matters are now dealt with by the Commerce Department.

Mr. SPEAKER: Is that so?

Dr. NALINAKSHA SANYAL: Yes. Will the Hon'ble Minister be pleased to state whether he is aware that these oil mill owners through the Oil Mill Owners' Association have already approached the railway authorities and have already addressed the Railway Board to place the matter before the Railway Rates Advisory Committee?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no official information about it because the owners of these oil mills never approached this Government.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what steps he has taken so far to give employment to these 558 men thrown out of work?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that question requires an answer.

Mr. NIHARENDU DUTTA MAZUMDAR: I insist on an answer from the Hon'ble Minister, he was keen to answer a question relating to the Government of India but it is a question which relates to him.

The Hon'ble Mr. H. S. SUHRAWARDY: Some of them may have become labour leaders.

Mr. NIHARENDU DUTTA MAZUMDAR: Does the Hon'ble Minister take his Labour Department as a joke or is he serious about it?

The Hon'ble Mr. H. S. SUHRAWARDY: I take it so seriously that I do not think that the question that the hon'ble member asked was put in a serious vein.

Mr. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether he wants to delegate his power to the labour leader?

(No reply was given.)

The House was then adjourned for 15 minutes.

(After adjournment.)

Adjournment Motion.

Mr. SURENDRA MOHAN MAITRA: I beg to move my adjournment motion to which you have given your consent. Here is the consent and the statement.

Mr. SPEAKER: How is the Government concerned?

Mr. SURENDRA MOHAN MAITRA: According to section 123 of the Bengal Municipal Act a municipality has the right to grant or refuse permission. The permission was refused by the municipality and a complaint was lodged to the Subdivisional Officer for prosecution. The Subdivisional Officer refused to prosecute. On the other hand he allowed the playing of those carnivals.

Mr. SPEAKER: But in what way is Government responsible for this?

Mr. SURENDRA MOHAN MAITRA: Because the Subdivisional Officer is a part of Government.

Mr. SPEAKER: I do not know how it can be a subject matter of an adjournment motion.

Mr. SURENDRA MOHAN MAITRA: The result of the Subdivisional Officer's action has been——

Mr. SPEAKER: I quite feel with you, but my difficulty is that an adjournment motion is a matter of censure on acts of omission and commission by Government. Unless you can bring in the Government somewhere, it is very difficult to admit this motion.

Mr. SURENDRA MOHAN MAITRA: But, Sir, the executive is responsible for this fiasco, and Subdivisional Officer is a part of the executive.

Mr. SPEAKER: I ask you to satisfy me whether Government was approached on this matter but did not take any action. Besides the "Executive Government" is quite distinct from an "executive officer".

Mr. SURENDRA MOHAN MAITRA: So far as I know, Sir, some members of this House filed petitions or representations to the Home Minister but no action has yet been taken on them.

Mr. SPEAKER: Which department is concerned?

Rai HARENDRA NATH CHAUDHURI: Sir, may I submit that more than once previously such adjournment motions have been allowed?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: May I know, Sir, what is the nature of the adjournment motion, so that it may be ascertained to which department it relates?

Mr. SPEAKER: Allowing two carnivals in the small town of Kishoreganj by the executive authorities inspite of objections by the public and the refusal of license by the municipality and the Subdivisional Officer refuses to entertain any explanation by the municipality for prosecution.

Rai HARENDRA NATH CHAUDHURI: Sir, may I again submit that this adjournment motion is perfectly in order and such a motion has been allowed on many previous occasions? Quite recently an adjournment motion was allowed in connection with notification under section 144, Cr.P.C. So, Sir, it will appear that for the actions of subordinate officers of Government previously such motions were allowed.

Dr. NALINAKSHA SANYAL: May I submit a word, Sir, in this connection. I submit that Government is not an impersonal institution. Government has got to do its acts through some individual officer—whether he is a Subdivisional Officer in a particular place or subdivision or whether he is a police constable in another place does not matter. In this particular instance the action of the Subdivisional Officer is of such a nature that it cannot be questioned in a court of law and the public will have no other remedy than to seek the intervention of Government in this matter, and they have done so. They have approached the Government and as yet nothing

has been done. The responsibility originally might have been on the initiative of the local Subdivisional Officer but since then steps have been taken to approach the particular department concerned and telegrams have been sent. My information is that even the Hon'ble the Finance Minister has been wired to in this connection and nothing so far is noticeable by way of action. Under the circumstances I submit that it is entirely within the responsibility of the Government, within the cognisance of Government. A matter like this should not be ruled out simply on the ground of the action being the action of a local officer and not of the higher executive.

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not see, Sir, how this can be a subject matter of adjournment. It is very difficult to tell whether people of that place want the carnival or not.

Dr. NALINAKSHA SANYAL: Why not make an enquiry?

The Hon'ble Khwaja Sir NAZIMUDDIN: But that cannot be done by means of an adjournment motion.

Mr. SURENDRA MOHAN MAITRA: May I say, Sir, that the mere fact that permission has been refused by the municipality is enough indication that nobody wants it there?

The Hon'ble Khwaja Sir NAZIMUDDIN: There may be reasons why the municipality has objected. But the Subdivisional Officer has given permission in this matter and I do not see why this question can be discussed here and what profitable discussion can go on here over that question. I do not see where the illegality comes in on the part of the Subdivisional Officer.

Mr. NIHARENDU DUTTA MAZUMDAR: May I put in a few words, Sir? The explanation of the Home Minister is wholly inadequate. Where the municipality of a locality which is certainly more representative than any Subdivisional Officer, or any official for the matter of that, refused to grant permission to the starting of carnivals, the Subdivisional Officer had no business to flout the opinion of the local municipal authorities in a high handed manner, encouraging gambling and such other things which are practised there. In view of the fact that it is the action of the Subdivisional Officer which has made the situation worse, I think, Sir, the matter is a fit subject for an adjournment motion.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I say, Sir, that at the present moment none of the hon'ble members has any proof at all that where a carnival is allowed gambling is also allowed to be practised there. (Interruptions.) Sir I refuse to be interrupted. Complaints may come against magistrates and other officers having sanctioned picture houses or cinemas for one day in the week or for 4 or 5 days in the month: and how can Government interfere in such a matter? Some people do like to have amusements while others do not. Then again there is nothing to show in this instance that the municipality at a meeting refused it. It may be the executive action of the Chairman or the Vice-Chairman. I think, Sir, the hon'ble member has not got any information in his possession which would justify an adjournment of this House.

Mr. SURENDRA MOHAN MAITRA: Sir, for the edification of the Hon'ble the Home Minister might I read a letter to show how the sentiments of the local people have been hurt by this flagrant and blatant and high-handed action of the Subdivisional Officer. "Two carnivals are playing at Kishoreganj town with the permission of the local police and the Subdivisional Officer contrary to the wishes of the public. The Kishoreganj Municipality did not grant them any license and defying this authority of local self-government they are continuing their play. The municipality finding no other way has prosecuted them both, but the Subdivisional Officer is quite reluctant to entertain this prosecution, the local public and the Chairman of the municipality have more than once approached the Subdivisional Officer to stop the nuisance but they got the cold reply. There is regular gambling."

Mr. SPEAKER: May I ask one question Mr. Maitra? I can quite understand that the Subdivisional Officer refused to entertain any complaint made by the municipality. But what is a matter of some importance to this question is—are all legal remedies barred too?

Mr. SURENDRA MOHAN MAITRA: I do not think, Sir, that there is any other legal remedy.

Mr. SPEAKER: As a lawyer Mr. Maitra you must know that if a Subdivisional Officer or any other officer refuses to take cognisance of any complaint it is open to the complainant to move either the High Court or the District Court.

Mr. JOGESH CHANDRA GUPTA: There is the general question as to whether carnivals which invariably are accompanied by gambling devices and other objectionable practices should be encouraged, particularly when a local municipality, which is a body truly representative of the people has refused a license. That general question remains.

We know very well that the much maligned Calcutta Corporation have denied themselves a great deal of income by not issuing licenses for carnivals for obvious reasons. People go there and gamble and other offences take place. The Subdivisional Officer should be the first person to agree with the municipality because people who go to gamble invariably resort to thefts, larceny and other things. That general question can be discussed if anything else cannot.

Mr. SPEAKER: My difficulty, Mr. Gupta, is this: that if you interpret it in this way there might be something to be said in its favour, namely, the situation created out of the indiscriminate permission which has been given to carnivals in mofusil districts to have gambling carried on there. That is a quite different proposition. I am perfectly willing to consider the motion on its merits, but I am afraid I am now concerned strictly with one matter, namely, that certain carnivals have been allowed by the executive authorities. I have yet to know why carnivals should be held to be illegal. I had never been inside a carnival in my life and I am not expected to know what is going on inside it.

Mr. SANTOSH KUMAR BASU: But, Sir, you were the Chairman of a municipality at one time.

Mr. SPEAKER: Yes, as Chairman of a municipality I had never had any occasion to give permission to the starting of carnival and my difficulty is to understand how can you say that the allowing of a carnival by a Subdivisional Officer is a grossly illegal act. That is a point with which I am now concerned.

My second point is this, that supposing the municipality is entitled to refuse a license not merely to a carnival but even to an ordinary *mela* or a circus party, any continuance of such carnival, etc., after refusal of permission is a matter which can be legally rectified, and I think legal remedies are available to the municipality to proceed with this matter further. In any case, if other remedies fail, it can probably be considered as to whether the matter can come within an adjournment motion.

Mr. SURENDRA MOHAN MOITRA: If we are to seek for remedies elsewhere, the urgency of the matter will be gone. My point is not the legal fight that is going on between the municipality and the Subdivisional Officer but I want to bring before this House the conduct of the Subdivisional Officer and the manner in which he has been treating public opinion there. The result of this has been the arrest of several very respectable people of the locality including the Vice-Chairman Mr. Abu Ahmed to whom bail has been refused.

Dr. NALINAKSHA SANYAL: I have just had a telegram handed over to me drawing attention to the serious situation arising out of this refusal. The telegram informs that as a result of this refusal, Mr. Abu Ahmed, Vice-Chairman of the Local Board, and several other men have been arrested. I submit this is a matter which cannot be lightly passed over. Further, Sir, as a lawyer you know very well that when a Subdivisional Officer does not entertain a case at all there is no legal remedy——.

Mr. SPEAKER: Of course, there is. That shows, Dr. Sanyal, that you are not a lawyer.

I think, we have discussed this matter sufficiently, and I may say to Dr. Sanyal that there is no wrong which cannot be remedied, there must be some remedy somewhere, and the High Court is powerful enough to interfere in any matter which is brought before it. I must say, however, that if on general principle I am satisfied that a *prima facie* case has been made out that the matter is of urgent public importance, I would be reluctant to rule it out on technical grounds. I am, however, not perfectly satisfied that a *prima facie* case has been made out, and I would therefore postpone this matter for the day and after discussion with the member concerned and after obtaining the official version of the case I would come to a decision on the next day we meet.

Mr. ABDUR RAHMAN SIDDIQI: Sir, as the acoustics of this House is bad, may I beg of you to permit members to speak by not turning to the Chair but by facing towards the wall.

Mr. SPEAKER: I will not mind it if members address the House in whatever position they may be, without turning to the Chair.

Privilege Motion.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I beg to move that having regard to the treatment that some members of the Assembly were subjected to on the Ministry Day, viz., Sunday, the 27th March 1938, this Assembly is of opinion that immediate steps be taken to ensure that no member of this House be molested, insulted or subjected to such demonstration as may lead to violence for any speech delivered or for taking part in the proceedings of this House in course of his duty as a member of the Assembly and that the matter be referred to the Committee of Privilege for devising necessary measures.

Mr. SPEAKER: I must first of all decide whether it is in order and then I shall fix a time for its being moved. Has the Hon'ble Home Minister got anything to say to this?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, then it will also mean that any criticism in newspapers against any speech made in this House should also be included in that. The second point is, that molestation and insult to any person is illegal whether it is done for a speech made here or for any other reasons. Therefore, the question does not arise. If it is a question of criticism of the action of any M.L.A. for what he says here, then I submit that ought to be included——

Rai HARENDRA NATH CHAUDHURI: But it is much more than criticism.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is quite true. If those things have been done, the honourable member should have recourse to a law court.

Mr. SPEAKER: What have you got to say in regard to the matter of inherent right of the House to protect its members, so far as their deliberations inside the chamber are concerned. I think it is generally accepted in all Parliaments that the right of a citizen for not being molested or insulted is quite different from his right as a member of a Parliament. Don't you think that from this point of view this is a matter which does arise for the Privilege Committee to decide?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think we can advise any form of protection which will be better than what the law gives to a person against molestation.

Mr. SPEAKER: I think, as Speaker of this House, I cannot agree that it is not possible for measures to be devised by the Privilege Committee. If the Privilege Committee say that they are not able to devise any measure they may say so, but for the time being, I feel that a *prima facie* case has been made out for referring the matter to the Privilege Committee, after this resolution has been formally moved and a speech has been made. Usually a debate is not permitted in a case like this, except to ask Government to state its views.

Dr. NALINAKSHA SANYAL: May I be permitted to draw your attention to Parliamentary Debates on this matter after the motion is formally moved?

Mr. SPEAKER: You may do it now.

Dr. NALINAKSHA SANYAL: Sir, I would just like to draw your attention to May's Parliamentary Practice, page 86 onwards, where it is definitely stated that interference with or reflection upon members have been resented as indignities to the House itself. Further it is stated that "it was a high infringement of the privilege of the House, a crime and misdemeanour, to assault, insult or menace any member of the House in his coming or going from the House or upon the account of his behaviour in Parliament or to endeavour to compel members by force to declare themselves in favour of or against any proposition then depending or expected to be brought before the House." There have been numerous instances both before and after these resolutions are passed when "persons assaulting, challenging, threatening or otherwise molesting members on account of their conduct in Parliament have been committed or otherwise punished by the House." Subsequently it has also been pointed out that certain cases where members challenged others outside the House for their conduct in the House, that also has been held as a matter of privilege of the House. Further, you will notice that in 1827, Secretary Mr. Peel threatening to contradict speeches from the gallery of the House got reprimand of the House. We find there are similar protection contemplated also in ordinary cases of voters. When we have elections ordinarily going on, the voters are protected from being molested, or interfered with by the Corrupt Practices Act. The policy is to ensure freedom of action for voters and we have to ensure the same by extending that fundamental principle of all democracy to members of the legislature also, and we should have a similar privilege extended here, because otherwise democracy becomes impossible. I submit, Sir, in view of this, this matter may be properly referred to the Committee of Privileges.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, there are difficulties in the way, and I would refer you, Sir, to section 71, sub-section (*3*): "Nothing in any existing Indian law, and, notwithstanding anything in the foregoing provisions of this section, nothing in this Act, shall be construed as conferring, or empowering any Legislature to confer on a Chamber thereof or on both Chambers sitting together or any Committee or Officer of the Legislature, the status of a Court, or any punitive or disciplinary powers other than the power to remove or exclude persons infringing the Rules or Standing Orders, or otherwise behaving in a disorderly manner."

Mr. SPEAKER: I have fully considered this matter, and I feel that it is my duty as Speaker of the House, whenever any matter of the character to which Mr. Hashemy has referred, is brought to my notice, to consider it from the point of view of not only the present, but also the future, and it is from that point of view that I am considering this

matter. I do agree that under section 71 this House has no power of a Court. But I do not think that is the last word on the subject. It is quite possible that the Committee of Privileges might recommend that necessary steps be taken for the amendment of the Government of India Act with a view to empower this House to take action. It is possible that human ingenuity and brain might be acute enough to find out some formula or other by which something in the nature of an adequate relief may be given to the members of the House. In any case, it is not for me to consider whether any relief can be given. It is for me only to consider whether a *prima facie* case has been made out which may be taken as a matter concerning the privilege and nothing more. Judging as I do from that point of view, if an hon'ble member says that there has been some treatment to him for his conduct inside the Chamber, outside this Chamber, it is for me certainly to consider it on its own merits, and I having considered this on its own merits, feel that the resolution as drafted is in order. It is of course for the House to consider whether it should pass it or not. That is a matter with which I have no concern. I am merely concerned so far as to whether the matter should be brought before the House or not, and it is for the House then to consider whether the matter should go to the Committee of Privileges or not, and then it is for the Committee of Privileges to consider whether any steps may be taken or not. So, I hope there will be no confusion between the functions at different stages. My function is merely to find out as to whether there is a *prima facie* case of placing this matter before the House. I hold that a *prima facie* case has been made out in terms of the resolution above, and I fix to-day after the Government Bills are finished for taking up this matter.

Leave to a Member.

Mr. RAZAUR RAHMAN KHAN read out the following petition from Maulvi Masud Ali Khan Panni:—

This Assembly do permit Maulvi Masud Ali Khan Panni representing the Tangail South (Muhammadan) Constituency, to be absent for the period from the 7th day of February 1938, to the end of current session for which he finds that he is unable to attend meeting of the Assembly on the ground of his performing the Hadj and subsequent illness on return.

Mr. SPEAKER: Leave has been asked by Mr. Masud Ali Khan Panni for his being absent on account of illness for more than 60 days. Is it the pleasure of the House to grant him leave?

(The House having given assent.)

Mr. SPEAKER: Leave is granted.

GOVERNMENT BUSINESS

GOVERNMENT BILLS.

The Bengal Rates of Interest Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to introduce a Bill to reduce the rates of interest payable on certain dues.

(The Secretary then read the short title of the Bill.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bill be taken into consideration.

Mr. NARENDRA NATH DAS GUPTA: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion by the 31st May 1938.

(The member spoke in Bengali in support of his amendment.)

আমার প্রস্তাব এই যে Bill টার যে rates of interest কমাবার জন্য যা দেখছি এটা হটাৎ দেখলে মোনে হবে আমাদের Assembly তে যে Bill পাশ হয়ে গেছে তার অনুবৃত্তি হিসাবে এটা এসেছে। কিন্তু প্রশ্ন হোচ্ছে এই যে আমরা যা Assembly তে পাশ কোরেছি সে Bill টা যে পর্যান্ত Upper House এ গৃহীত না হবে সে পর্যান্ত তার বিশেষ কিছু মূল্য নেই। যদি Upper House এটাকে কোন রকমে বোদলে দেয় তাহলে সেই Bill এর এখানে পাশ করার অর্থ আমাদের এই House এর জন্য যে রোজ তিন হাজার টাকা কোরে খরচ হোচ্ছে সেটা ব্যার্থ হোয়ে যাবে।

প্রবাদ আছে যে রাম জন্মাবার আগেই রামায়ণ রচিত হোয়েছিল, এই Bill টা যে ভাবে এসেছে তাতে সেই কথাই মনে পড়ে যদিও এই Bill এর এ House এ কোন সত্তা নাই তবুও এই কথা মনে হোচ্ছে আমরা যেন Bill টি পাশ করার আগেই ধরে নিয়েছি যে ইহা Upper Chamber এ পাশ করা হোয়ে গেছে। কিন্তু সে অধিকার আমাদের আছে কি না জানি না, সেই জন্য বোলছি ১৯শে মে পর্যান্ত যদি এটাকে রাখা যায় এর মধ্যে Upper House থেকে পাশ হোয়ে আসবে, তাহলে তার কোন গোলমাল থাকে না। হয়ত মন্ত্রি মহাশয় বোলবেন এটা মাত্র অনুবৃত্তি হিসাবে এসেছে তারজন্য আবার আপত্তি কেন? অনুবৃত্তি হিসাবে আমাদের আবু হোসেন সরকার মহাশয়ের যে Certificate power তুলে দেবার জন্য যে প্রস্তাব এসেছিল সেটাকে সদাশয় গভর্ণমেন্ট প্রজার মঙ্গলের জন্য public opinion দুই দুইবার প্রচারের প্রস্তাব করেছিলেন। অবশ্য গভর্ণমেন্ট যদি মনে করেন তাদের বেলা public opinion এর কোন দরকার নাই এবং জনমত অগ্রাহ্য কোরেই চোলতে হবে—তাহলে সে অন্য কথা। এইটুকু মাত্র বোলে আমি আমার প্রস্তাব উত্থাপন কোরছি।

The Hon'ble Sir BIJOY PRASAD SINGH ROY: This, Sir, is a very simple measure which is practically consequential to the changes that have been brought about by this House with regard to section 67 of the Bengal Tenancy Act, and in reply to what has been said by the Hon'ble the mover of this amendment regarding the chances of the

passing of the Bengal Tenancy Bill by the Upper House, I may say, that the Government is not yet given to the habit of self-deception. They know what facts are, and they are prepared to face facts boldly. So, Government cannot accept the contention of my hon'ble friend which is nothing but ignoring facts.

The motion of Mr. Narendra Nath Das Gupta that the Bill be circulated for the purpose of eliciting opinion by the 31st May 1938 was put and lost.

The motion that the said Bill be taken into consideration was then put and agreed to.

The motion that clause 1 stand part of the Bill was put and agreed to.

The motion that clause 2 stand part of the Bill was put and agreed to.

Mr. SPEAKER: I find that as regards the Schedule in effect there are only 2 motions. One is 3½ per cent. and another is 3⅛ per cent. of Maulvi Abu Hossain Sarker and Mr. Dhirendra Nath Datta, respectively. * * * I think Mr. Sarker wishes to move and if so he will move it with a short speech.

Maulvi ABU HOSSAIN SARKER: Mr. Speaker, Sir, I beg to move that in the schedule in column 4 for the words "six and a quarter" wherever they occur the words "three and a half" be substituted.

I do not like to take the valuable time of the House by making any speech whatsoever. I may add only this much that the rate of interest should be lowered considering the present financial condition of the tenants of the province. With these words I beg to recommend my motion to the acceptance of the House.

Mr. SPEAKER: Will Mr. Datta move his? Is it necessary? The difference between 3½ and 3⅛ per cent. is practically not much.

Mr. DHIRENDRA NATH DATTA: I wish to move it, Sir, that in the schedule in column 4 for the words "six and a quarter" wherever they occur the words "three and one-eighth" be substituted. And in moving this amendment I only want to say that we are all now anxious to reduce the rates of interest and I hope the whole House will agree that the rate of interest should be further reduced and instead of 6¼ we should agree to 3⅛.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the proposal is to amend the schedules of 4 Acts, the Bengal Rent Act of 1862, the Cess Act of 1880, the Public Demands Recovery Act and the Bengal Land Revenue Interest Act. Now the idea is to bring the rate of interest in all these Acts on the same line as in the Bengal Tenancy Act. There is no reason why it should not be so. Take for instance under the Bengal Rent Act, if one of these amendments is accepted, then the tenant will be called upon to pay interest at the rate of 3¼ per cent. whereas under the Bengal Tenancy Act the tenant will pay at the rate of 6¼ per cent. What is the justification for this distinction, Sir? Similarly under the Cess Act and the Public Demands Recovery Act the rate of interest will be different from the rate of interest as prescribed in the Bengal Tenancy Act. Sir, I personally feel that there is no justification for making this distinction. The rate of interest should be one in all the Acts. It is with this view that this Bill has been introduced. With these few words I oppose this amendment.

The motions were put and lost.

The motion that the Preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill as settled in the Assembly be passed.

The motion was put and agreed to.

The Bengal Tenancy (Second Amendment) Bill, 1938.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to introduce a Bill further to amend section 68 of the Bengal Tenancy Act, 1885.

The Secretary then read the short title of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg also to move that the said Bill be taken into consideration.

The motion that the Bengal Tenancy (Second Amendment) Bill, 1938, be taken into consideration was put and agreed to.

Mr. SPEAKER: I find there is only one motion of Mr. Asimuddin Ahmed.

Mr. ASIMUDDIN AHMED: I beg to move that in clause 1, in line 2, after the figure "1938", the following words be added, namely:—

"and it shall come into force on the 1st July, 1938".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I rise to oppose this amendment formally.

The motion was put and lost.

Clause 1.

The motion that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

Mr. SPEAKER: I find in clause 2 the proposal is to make it 12½ per cent. instead of 25 per cent. and rates vary from "24" gradually coming down to "one" and all of them have been given notice of. I hope there will be some restraint in some quarters.

Mr. SPEAKER: Nos. 50 to 52 cannot be moved. You cannot repeal or delete the whole Act. They are not in order.

Mr. BIRENDRA KISHORE RAY CHOUDHURY: I beg to move that in clause 2, in line 3, for the words "twelve and a half" the word "twenty-four" be substituted.

Sir, under section 68 of the Bengal Tenancy Act, the Court has been empowered to award to a landlord some damages at its discretion. The maximum of such damages has been fixed at 25 per cent. of the amount of the rent decreed. But it is not necessarily this maximum which the court will award as damages. In case it thinks that the tenant has without any cause refused to pay the amount of rent due by him, and thereby wiltully damaged the interests of the landlord, then only the court may go to the maximum of 25 per cent. I do not understand, Sir, why this discretionary power of the court should be reduced by 50 per cent. I think a small reduction to the extent of 1 per cent. is sufficient.

Maulvi ABU HOSSAIN SARKAR: I beg to move that in clause 2, in line 3, for the words "twelve and a half" the words "seven and a half" be substituted.

I only beg to add that this damage has been allowed something like a penalty and if from 6¼ it is raised to 12½ per cent., I think it will be equitable to the tenants who are generally willing to pay this. If for some difficulty they cannot pay, for that double the amount of interest should not be allowed as damages. Only a little margin will suffice. Therefore I commend this motion to the House.

Mr. ASIMUDDIN AHMED: I beg to move that in clause 2 for the words "twelve and a half" the words "six and a quarter" be substituted.

এ সম্বন্ধে আমার কিছু বলবার আছে। খাজনার সুদ ৬।০ টাকা কোরে দেওয়া হয়েছে। প্রজাদের কাছে টাকা যদি বাকি থাকে তার জন্য ৬।০ টাকা সুদ ধোরবে—আবার ক্ষতিপূরণ ১২॥০ টাকা পাবার কোন উপযুক্ত কারণ নাই। আমরা বোলতে পারি বাংলাদেশের জমিদাররা সরকারকে ২ কোটী ২৮ কি ৩০ লক্ষ টাকা খাজনা দেন, এবং তাঁরা আদায় করেন আমাদের হিসাবে প্রায় ৫০ কোটী টাকা। এটা অনেক কাল পূর্বের কথা। বর্তমান হিসাবটা (১৭ কোটী টাকাটা) এখন আমার কাছে থাকলে দেখাতে পারিতাম যে প্রায় ৫ গুণ টাকা তাঁদের বেড়েছে। এতটাকা লাভ নিয়ে ও অনর্থক আরও বহু টাকা বাজে আবওয়াব আদায় কোরে, ঐ রকম সুদ নেওয়ার এবং তার উপরও ১২॥০ টাকা ক্ষতিপূরণ নেবার কোন যুক্তিসঙ্গত কারণ নাই। যদি তাঁরা ঐ টাকা ব্যাঙ্কে ফেলে রাখতেন তাহলেও শতকরা ২৲ কি ৩৲ টাকার বেশী সুদ পেতেন না। যখন প্রজারা নানা কারণে ও অভাবে যথাসময়ে খাজনা দিতে পারে না তখন ২।৩ বছর পরে টাকাটা দিয়ে একেবারে ৬।০ টাকা কোরে সুদ নিয়ে আবার ১২॥০ টাকা কোরে ক্ষতিপূরণ নেবার কোন ন্যায়সঙ্গত কারণ নাই। জমিদারদের এত মুনাফা থাকা স্বত্বেও এবং সুদ নেওয়া স্বত্বেও আবার কোরে ক্ষতিপূরণ পেতে পারেন না, সেইজন্য আমি আমার motion move কোরেছি।

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 2, in line 3, for the words "twelve and a half" the words "three and one-eighth" be substituted.

Sir, in moving this amendment I do not like to take much time of this House. In determining the relationship between the debtor and the creditor we have to consider the fact that the whole of the interest may not be realised. I do not understand why a distinction is made in favour of the landlord. So, I move that, instead of 12½ per cent., let the damages be reduced to 3⅛ per cent.

Mr. SPEAKER: Amendment No. 75 is not in order, and, therefore, cannot be moved.

There are only four motions before the House which have been moved. The first one has been moved by Mr. Birendra Kishore Ray Choudhury and it proposes to substitute the word "twenty-four" for the words "twelve and a half", the second one of Maulvi Abu Hossain Sarkar proposes to substitute the words "seven and a half" for the words "twelve and a half", the third one of Mr. Asimuddin Ahmed proposes to substitute the words "six and a quarter" for the words "twelve and a half", and the fourth one of Mr. Dhirendra Nath Datta proposes to substitute the words "three and one-eighth" for the words "twelve and a half".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose all these amendments. First of all, in reply to what has been said by my esteemed friend Mr. Birendra Kishore Ray Choudhury I would like to point out that there is not much of a difference between

the rate of interest on arrears and damages. Ultimately, it comes to the same thing. If the landlord pays damages of Rs. 37, he gets something like Rs. 48. If he claims damages under section 68, he gets something like Rs. 50. So it makes no difference whether it is damages or additional interest. As the rate of interest has been brought down from 12½ per cent. to 6¼ per cent., it is also proposed that the rate of damages should be brought down from 25 to 12½ per cent. to bring it into the same line.

Now, as regards the amendment of Maulvi Abu Hossain Sarkar, the proposal is that it should be 7½ per cent. That means that it should be a little over the ordinary rate of interest, so that by claiming damages, the landlord might not be a loser. Damages will cease to be effective, and it will mean nothing.

Now, in reply to what has been said by Mr. Asimuddin Ahmed, I would just say that damages are not meant to be an additional source of income to the landlord. It is only meant to cover his out-of-pocket expenses; it is meant only to cover what he has to pay to his creditor.

Lastly, Sir, in reply to what has been said by Mr. Dhirendra Nath Datta as to why there should be any distinction between an ordinary creditor and a landlord, I may say that the landlord does not stand in the position of an ordinary creditor. There is a statutory duty cast on him, namely, the payment of Government revenue. He is the real revenue collecting agent of Government, and in the interest of the tenants he has got to collect it slowly, and he has often to pay it on behalf of the tenants. So, he is not merely the collector of Government revenue but he is also the tenant's banker. Finally, what he has got to his credit he has to realise it from defaulting tenants.

That is my reply, Sir, to all these amendments, and, with these few words, I oppose all of them.

The motion of Mr. Birendra Kishore Ray Choudhury that in clause 2, in line 3, for the words "twelve and a half" the word "twenty-four" be substituted was, by leave of the House, withdrawn.

The motion of Maulvi Abu Hossain Sarkar that in clause 2, in line 3, for the words "twelve and a half" the words "seven and a half" be substituted was put and lost.

The motion of Mr. Asimuddin Ahmed that in clause 2 for the words "twelve and a half" the words "six and a quarter" be substituted was put and lost.

The motion of Mr. Dhirendra Nath Datta that in clause 2, in line 3, for the words "twelve and a half" the words "three and one-eighth" be substituted was put and lost.

Mr. SPEAKER: The motion that clause 2 stand part of the Bill was put and agreed to.

The motion that the Preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the Bill as settled in the Assembly be passed.

The motion was put and agreed to.

The Bengal Local Self-Government (Amendment) Bill, 1938.

The Hon'ble Mr. SYED NAUSHER ALI: Sir, I beg to introduce a Bill further to amend the Bengal Local Self-Government Act of 1885.

(The Secretary then read the short title of the Bill).

The Hon'ble Mr. SYED NAUSHER ALI: Sir, I also beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Khan Bahadur Maulvi Hashem Ali Khan,
(2) Mr. Abdur Rashid Mahmood,
(3) Maulvi Wahur Rahaman,
(4) Khan Sahib Maulvi Abdur Rauf,
(5) Mr. Shah Abdur Rauf,
(6) Khan Bahadur Maulvi Jalaluddin Ahmad,
(7) Khan Bahadur Mohammad Ali,
(8) Maulvi Abdul Latif Biswas,
(9) Srijut Manindra Bhusan Sinha,
(10) Mr. Manmatha Nath Roy,
(11) Mr. Nikunja Behari Maiti,
(12) Rai Jogesh Chandra Sen Bahadur,
(13) Mr. Ramizuddin Ahmed,
(14) Mr. Mahammad Abul Fazl,
(15) Mr. L. M. Crosfield,
(16) Mr. Puspajit Barma,
(17) Mr. Anukul Chandra Das, and
(18) the mover,

with instructions to submit their report by the 15th June, 1938, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, I shall not take long in moving this motion. The main object of the Bill is to ensure timely reconstitution of Local and District Boards. The present position of the law with regard to the terms of office of members of Local and District Boards is not very satisfactory. It begins on a day when the first meeting of the Board is held in which a quorum is present, and ends with a similar meeting of the Board to be constituted.

Now, Sir, these are uncertain days, and consequently the term expires some time at a time when no election of the Local or District Board could possibly be held. Therefore the first step that is proposed to be taken is that the date should be one fixed date: that is the first principle that is provided in this Act. Another fruitful source of delay is the irregularity in election. That happens for various reasons and especially when the party in power manoeuvres matters in such a way that the elections are postponed or are held irregularly. Now, Sir, proposals have been made to meet contingency of that nature. The third thing is with regard to setting up of a tribunal for decision of disputes arising out of elections. At present the District Magistrate is the tribunal or the authority that decides such disputes. Unfortunately the District Magistrate is also the authority conducting election. Consequently some time it so happens that the authority who conducts the election is the authority who decides about the regularity or irregularity of that election. That is an anomalous position which has been pointed out in some decisions of the Hon'ble High Court. These are the main provisions provided in the Bill There are certain other matters on which I need not dilate. I hope the reference to the Select Committee will be accepted by the House.

Mr. SANTOSH KUMAR BASU: Sir, may I just say a few words at this stage? The move that has been initiated in this Bill for setting up a Tribunal in place of the District Magistrate is certainly a move in the right direction. May I ask the Hon'ble Minister to try and follow it up by providing for an appeal to a higher authority, because from my experience with regard to election cases arising out of the Bengal Municipal Act, I have seen that no appeal having been provided for, and the whole adjudication of questions of law and fact having been left to one single individual, it leads to miscarriage of justice in case a particular officer cannot properly apply his mind to the case. If temporary injunctions restraining the elected member from functioning as such is not allowed, as it is not allowed in the present Bengal Municipal Act, there is no danger of the business of the local body being impeded. But so far as the provision of appeal is concerned, I think, it is absolutely necessary that an appeal from the Election Tribunal should be provided to the High Court. That will ensure the necessary check against frivolous appeals being filed. The superintending jurisdiction of the High Court being no longer in existence

under the new Government of India Act, an appeal should now be provided. This can be done by the Select Committee. I am only indicating this point for the consideration of the Hon'ble Minister.

Mr. P. BANERJI: Sir, I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th June 1938.

Sir, my motion is very reasonable as my amendment provides for only two and a half months to have the public opinion elicited thereon and I am sure that there is no urgency in this matter. If there is, necessity for circulation may not arise. The Hon'ble Minister in introducing this Bill has put forward four important points. The first point is that the Government would declare when the term of the Board will expire; the second point is that pending reconstitution of the Board Government will take charge: the third point is that an election tribunal is to be constituted; the fourth point is that the meeting to elect the Chairman and Vice-Chairman is to be convened by the District Magistrate and would be presided over by some one other than a member of the Board to be chosen by the District Magistrate. Excepting the third point, viz., the election tribunal, there is no justification for changing provisions of law in connection with the other three points. I must point out to the Hon'ble Minister that these provisions are absolutely unnecessary, anti-national and mischievous.

Sir, you are well aware that as regards terms there is no difficulty. I fail to understand why Government should indirectly circumvent the law. The law as terms of office of District and local boards 5 years has fixed and if Government want to reduce it to, say, 3 or 4 years, let them make the change in the law. It is very unfair for us to give any power to the executive Government to curtail a period which has been fixed by law and this interference by the executive with the provisions of the law is very objectionable on principle.

The second point is still more mischievous—why Government, I mean the District Magistrate, should take charge of the Board pending its reconstitution? Ever since 1920 there has been a non-official chairman and when Government have found it difficult they have superseded him and put the District Magistrate at the head of the Board against public opinion. Now whatever privilege has been given by the law the Hon'ble Minister wants to take away by the backdoor. I fail to understand why the existing Board should not continue. In all constitutions and in all laws, till a new board is constituted, the old board can function: so why this innovation at the present stage. That is a point which should be very much condemned. We should not give

this power to the executive Government by which the District Magistrate will be able to take charge of the Board during the intervening period——

Mr. SPEAKER: Mr. Banerji I must take up the privilege motion of Mr. Hashemy now. This matter will be taken up later on.

Mr. SYED JALALUDDIN HASHEMY: Sir, in commending my privilege motion to the acceptance of this House I would like to assure the honourable members at the very outset that it is far from my mind and further from my intention to bring any heat and dust to bear upon this subject to-night. I would also advisedly refrain from importing any extraneous consideration to cloud the considered judgment of the honourable members.

I feel the motion before the House is one on which there is hardly any room for political difference, and whatever might be our individual political pursuasion, when the rights and privileges of any member of this House is threatened to be bullied into submission, or, when any hon'ble member is prevented from discharging his duties as a representative of the people who sent him to the legislature, by methods of violence and intimidation, it is up to all of us to sink our political differences and consider the matter from the broad point of the privileges attached to us as members of the legislature. Sir, it will be a bad day for a new democracy if we, as representatives of the people, were to suffer and live under the perpetual fear of personal violence for any opinion we chose to express on political questions where difference of opinion is not only natural but also inevitable; that will frustrate the purpose of democracy and make honest expression of opinion, even on the floor of this House, impossible. Sir, if I have been threatened for any opinion to-day by organised hooliganism basking under the sunshine of Ministerialist support, to-morrow even this Ministry, hounded out of office, can be the target of the same nefarious game. I say, therefore, this question has to be approached from a higher plane when only the supreme question of the privileges attached to us should weigh with us.

Sir, it has been said by one well-known author of constitutional history that Parliamentary government is an organised quarrel. So long as Parliamentary Government will remain, there will also remain a constitutional opposition as a check to the legislative fury of an overzealous Government. That is an inevitable part of the constitutional practice. If, therefore, such an opposition is attempted to be coerced by mob violence or bullied into supporting——

The Hon'ble Mr. A. K. FAZLUL HUQ: May I rise on a point of order? It will also shorten the discussion. If misrepresentations are not indulged in I think I would have no objection to have this matter

investigated in the House of Privilege. I would make one statement in the House. Mr. Hashemy has said that I was present at one of the meetings where it was decided to have a demonstration. It is wholly untrue.

Mr. SYED JALALUDDIN HASHEMY: I have never said that.

The Hon'ble Mr. A. K. FAZLUL HUQ: On the day when the incident took place I was not in Calcutta at all. So far as all these matters are concerned, I hope there will be no reflection on any member of the Government. If, as a matter of fact, Mr. Hashemy wants that the matter should be investigated on the merits in the Committee of Privilege, I would certainly give consent, because it concerns as much a member of the opposition as a member of this side of the House. I should think that the matter should be enquired into to see how far any particular person is responsible for that incident.

Mr. SYED JALALUDDIN HASHEMY: I accept this statement. I have never mentioned any name.

The Hon'ble Khwaja Sir NAZIMUDDIN: In the adjournment motion that was tabled it was definitely stated that the Ministers were present at the meeting

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. The Hon'ble the Home Minister is in charge of Law and Order. Can he oppose this privilege motion which is intended to enforce order?

Mr. SPEAKER: Is it necessary at all? In view of the agreement between the right and the left I will simply put the motion straight before the House.

Mr. SYED JALALUDDIN HASHEMY: I just want to finish my sentence. Sir, Government cannot expect to bind us down by threat.

Mr. SPEAKER: I don't want your assertion this moment and withdrawal at the next moment.

Mr. SYED JALALUDDIN HASHEMY: Before I conclude, if I am permitted to do so, I will show you one letter which was received only yesterday. I sent this letter to the Commissioner of Police. He has scrutinised that letter.

Mr. SPEAKER: I have nothing to do as to what you have done with reference to the Commissioner of Police. I think this resolution must be understood as one of privilege and whether investigation should

be made or not. In view of what has fallen from the Leader of the House, I think a *prima facie* case has been made out. I will simply put this motion before the House.

Mr. TULSI CHANDRA GOSWAMI: I think it is our duty to thank the Chief Minister for his offer of investigation in this matter. I think that is a course worthy of the position which he occupies. As regards the question of privilege, I think you have advanced a great deal by the appointment of a Committee of Privilege. We know the Government of India Act to which the reference was made by the Hon'ble the Home Minister. Section 71 was deliberately put in in this new Act, because the questions of privilege were raised in the Central Legislature in the year during which the Montagu-Chelmsford constitution was enforced, and lest the Indian Legislatures following the British Legislature created the convention which in some way made the Legislature in India a High Court of Parliament precaution was duly taken. We are quite apprised of that fact and of the intentions and motives behind that enactment of section 71, but at the same time, as you have very rightly pointed out, and again it is my duty to thank you for the lead that you have given in this matter, you have to think of the future and you might be able to devise some means by which the protection of members of the Legislature may be ensured in some form or other. Here I am very glad that we are able to get the co-operation of the Chief Minister who, I take it, represents the Council of Ministers in Bengal, and I hope something will emerge from this investigation which will ensure the future protection of members in the discharge of their legitimate duties in the Legislature.

Mr. SPEAKER: The question before the House is the motion of Mr. Jalaluddin Hashemy: "Having regard to the treatment that some members of the Assembly were subjected to in connection with the observance of the Ministry Day on Sunday, the 27th March last, this Assembly is of opinion that immediate steps be taken to ensure that no member of this House be molested, insulted or subjected to such demonstrations as may lead to violence, for any speech delivered, or vote given or part taken in the proceedings of this House and in course of his duty as a member of the Assembly; and that the matter be referred to the Committee of Privileges for devising the necessary measures."

The motion was put and agreed to.

I might say that we have to wait a little longer, because I am expecting a message from the other House about the Bengal Tenancy Bill to-day. As soon as the message is received, it will be laid on the table and it is proposed that the Bengal Tenancy Bill, as passed by the other House, will be taken up on the 7th April at 4 p.m. I do not

think it is the desire of anybody to drag our session further than the 7th. So I propose in exercise of the power of discretion which I have got, to accept notices of amendments at short-notice and also to accept all amendments relevant to the amendments that have been passed by the other House up till 4 p.m. on the 4th. In the meantime, attempts are being made to get the whole Bill printed to-night and even if this Bill cannot be placed before the members here to-day it will be possible for us to send copies to the house of every member by to-morrow morning. I again appeal to the members that they might be kind enough to see that all relevant amendments are given notice of by Monday, the 4th at the latest, so that we will have time on the 5th and 6th and on the 7th we shall take them up.

Perhaps we can wait till we get this message unless it is very late.

The Bengal Local Self-Government (Amendment) Bill, 1938.

Mr. SPEAKER: Mr. Banerji will now continue.

Mr. P. BANERJI: Sir, I was just submitting to you that the interference by the executive with the provisions of the law is objectionable. The second point—I mean reconstitution. If it cannot be completed before the expiry of the term Government will take over charge. This point is still more mischievous. At present local bodies—(both municipalities and district boards and local boards)—hold office until the first meeting of any reconstituted board but it is provided in this Bill that the executive authorities will step in and take charge for a period intervening between the expiry of the term of one board and reconstitution of the next board. This interference of the executive with the affairs of the local bodies, is, in my opinion, the negation of the very principle of local self-government. Also it shows distrust of local bodies and which is certainly, not justified by facts in trying to make such provision. The fourth principles the Hon'ble Minister has laid down is the meeting to elect a Chairman or a Vice-Chairman to be convened by the District Magistrate and to be presided over by some one other than a member of the board to be chosen by the Government (which means the District Magistrate). This new principle is just as reprehensible as others. At present it is a member of the board who presides over these meetings for election of Chairman and Vice-Chairman (other than a member who is a candidate). But I fail to understand why an outsider should be thrust in to preside over its function. The Hon'ble Minister was the Chairman of a district board for many years. May I enquire of him if that is his own experience that an official will manage matters better than a non-official? It has been found that the officials have taken part in party factions and

have been in many many cases more biased and prejudiced than a non-official and he having this experience, I thought that an amending Bill should not be piecemeal like this but a comprehensive Bill as he is expected to know much from his personal experience. But I at first refused to believe that this also is not a Bill of a type that was handed over. by the Secretariat and sponsored by the Hon'ble Nawab Musharruff Hossain, who in his introductory speech candidly acknowledged that he was only echoing his master's voice. Sir, I did not expect that in this case at least of the Hon'ble Mr. Syed Nausher Ali, whom I expected to have ripe experience in this matter, but unfortunately he who goes into the Cabinet at once becomes a different man. That definitely and conclusively proves that still the responsible Ministers do not function and that it is the same Secretariat that is still functioning. The present Local Self-Government Act gives us wide power in matters like this and is based on sound principles. Certain things are now being worked for many years and the Hon'ble Mr. Nausher Ali by this new measure wants to undo the whole order of things. Sir, the Hon'ble Minister in the course of his speech has talked of delay, but may I know who is responsible for this delay? This delay, Sir, as I understand, is absolutely due to Government's delay in making nominations. As it is the Subdivisional Officer who nominates first and transmits his nominations to the District Magistrate, and the District Magistrate in his turn passes on to the Commissioner who lastly submits them to the Hon'ble Minister in charge. But even this is not all. If the Hon'ble Minister disagrees or chooses to make certain changes, then the same procedure is again followed, but now in a reverse order, i.e., from the Minister to the Commissioner, from the Commissioner to the District Magistrate, and from the District Magistrate to the Subdivisional Officer. Now, Sir, I can give some instances how months pass in this intolerable bandying about of names between different authorities.

Maulvi ABDUL BARI: I rise on a point of order, Sir. Has the rule regarding time-limit been suspended for the time being, as my friend Mr. Banerji has been speaking for a long time?

Mr. P. BANERJI: Why are you getting impatient? You will have your time. It is very ungenerous on your part to object like this. Mr. Speaker, Sir, may I have 10 minutes more?

Mr. SPEAKER: You have already spoken about 10 minutes, so you must be short.

Mr. P. BANERJI: Now, Sir, as my time is up I will give only one instance of one district board and that is the district board of my friend Dr. Mukherji where Sadar local board elections took place on the 31st March, 1932, but nominations were made in September, 1932.

Then in Rampurhat subdivision the local board elections were held in November, 1932, and the nominations were made in September, 1933, and the board was constituted in 1934. May I know for whose fault this delay of years took place? With these few words, Sir, I move my motion.

The Hon'ble Mr. SYED NAUSHER ALI: Sir, I shall be very brief in my reply to the relevant points that have been raised by Mr. Banerji. First of all I take up his complaint for not bringing up a comprehensive Bill. I may tell him at once that the matter is under the consideration of Government and it requires time to bring up comprehensive legislation. As regards delay due to nominations, I may say this much only that owing to the procedure that we have got to follow sometimes delay does take place, but that can be avoided easily, but delay on account of other factors, however, which are meant to be met by legislation cannot be overcome without legislation and that is why we are proposing legislation on these points. In the first place my friend has objected to the procedure that is proposed, namely, that certain meetings for the election of Chairmen and Vice-Chairmen of district boards and local boards have got to be convened by the District Magistrate and to be presided over by a person other than a member of the boards to be appointed not by the District Magistrate, as he has said, but by the Provincial Government or by such other person who may be authorised in that behalf by the Provincial Government. Now, Sir, so far as the first part is concerned, namely, relating to the election of the Chairmen and Vice-Chairmen of the district boards and local boards notices, under the present rules, are issued by the District Magistrate. It is only with regard to the election of delegates to district boards that we want a departure from the existing law. As regards the other point, viz., that these meetings should be presided over by persons other than members of the board, this is indeed a departure which is absolutely necessary in the interests of fairness and, I should go a step further and say, in the interest of administration itself. Everyone who has got the slightest experience of these elections will at once say that this has become an absolute necessity. During the short period I have been in office, I have had to appoint in many cases due to failure of elections. The election failed even twice in many cases, and that was due to the machination of the party, which came to be in power, in some cases by means of some tactics played by the Chairman of the local board. Perhaps he thought that his party men would not be able to come in and the meeting was not, therefore, convened. There was even an instance during this short period when actually an assault took place and the meeting could not be held. It is to avoid these things that these provisions have been made. As regards the complaint that this amendment proposes that the District Magistrate should take over charge of local bodies, I may tell the House that this is not the

fact. I can assure the House, and especially the honourable member, that I would always jealously guard that the executive does not interfere, but the provision there is only for exceptional emergencies which have got to be met, not by taking over charge by the District Magistrate, but by allowing the local body itself to continue, if the local body was not at fault. But if it tries to lengthen its life, naturally steps may be taken which will not allow the local body to reap the fruit of the wrong done by it. With these words, Sir, I oppose the motion of my friend, Mr. P. Banerjee.

The amendment of Mr. P. Banerjee that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th June, 1938, was then put and lost.

The original motion of the Hon'ble Mr. Syed Nausher Ali that the said Bill be referred to a Select Committee consisting of—

(1) Khan Bahadur Maulvi Hashem Ali Khan,
(2) Mr. Abdur Raschid Mahmood,
(3) Maulvi Waliur Rahaman,
(4) Khan Sahib Maulvi Abdur Rauf,
(5) Mr. Shah Abdur Rauf,
(6) Khan Bahadur Maulvi Jalaluddin Ahmad,
(7) Khan Bahadur Mohammad Ali,
(8) Maulvi Abdul Latif Biswas,
(9) Srijut Manindra Bhusan Sinha,
(10) Mr. Manmatha Nath Roy,
(11) Mr. Nikunja Behari Maiti,
(12) Rai Jogesh Chandra Sen Bahadur,
(13) Mr. Ramizuddin Ahmed,
(14) Mr. Mahammad Abul Fazl,
(15) Mr. L. M. Crosfield,
(16) Mr. Puspajit Barma,
(17) Mr. Anukul Chandra Das, and
(18) the mover,

with instructions to submit their report by the 15th June, 1938, and that the number of members whose presence shall be necessary to constitute a quorum shall be five, was then put and agreed to.

The Bengal Municipal (Amendment) Bill, 1938.

The Hon'ble Mr. SYED NAUSHER ALI: I beg to introduce a Bill further to amend the Bengal Municipal Act, 1932

The Secretary then read the short title of the Bill.

The Hon'ble Mr. SYED NAUSHER ALI: I beg also to move that the said Bill be referred to a Select Committee consisting of—

(1) Khan Bahadur A. F. M. Abdur Rahman,

(2) Maulvi Abul Hashim,

(3) Maulvi Md. Hasanuzzaman,

(4) Maulvi Md. Ishaque,

(5) Mr. Abdul Karim,

(6) Mr. Abdulla-Al Mahmood,

(7) Nawabzada K. Nasarullah,

(8) Mr. Sadaruddin Ahmed,

(9) Mr. Barada Prosanna Pain,

(10) Mr. Sukumar Dutta,

(11) Mr. Satya Priya Banerjee,

(12) Mr. Debi Prasad Khaitan,

(13) Dr. H. C. Mukherji,

(14) Mr. Shahedali,

(15) Mr. J. R. Walker,

(16) Mr. Upendra Nath Barman,

(17) Mr. Jagat Chandra Mondal; and

(18) the mover,

with instructions to submit their report by the 15th June, 1938, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, the Statement of Objects and Reasons fully explains the case and I do not think I need inflict a speech.

The motion of the Hon'ble Mr. Syed Nausher Ali was then put and agreed to.

The Bengal Village Self-Government (Amendment) Bill, 1938.

The Hon'ble Mr. SYED NAUSHER ALI: I beg to introduce a Bill further to amend the Bengal Village Self-Government Act, 1919.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. SYED NAUSHER ALI: I beg also to move that the Bengal Village Self-Government (Amendment) Bill, 1938, be referred to a Select Committee consisting of—

(1) Maulvi Idris Ahmed Mia,
(2) Maulvi Maniruddin Akhand,
(3) Maulvi Abdur Rasheed,
(4) Khan Bahadur Abidur Reza Chaudhury,
(5) Maulvi Md. Abdus Shaheed,
(6) Maulvi Abdul Hamid Shah,
(7) Maulvi Serajul Islam,
(8) Maulvi Haji Tofel Ahmed Choudhury,
(9) Maulvi Aminullah,
(10) Mr. Adwaita Kumar Maji,
(11) Mr. Kiran Sarkar Roy,
(12) Mr. Charu Chandra Roy,
(13) Maharajkumar Uday Chand Mahtab,
(14) Mr. Maqbul Hosain,
(15) Maulvi Jonab Ali Majumdar,
(16) Mr. R. H. Ferguson,
(17) Mr. Monmohan Das,
(18) Mr. Dhananjoy Roy, and
(19) the mover,

with instructions to submit their report by the 15th June, 1938, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The above motion of the Hon'ble Mr. Syed Nausher Ali was then put and agreed to.

The Bengal Dentists Bill, 1938.

The Hon'ble Mr. SYED NAUSHER ALI: I beg to introduce a Bill to provide for the registration of dental practitioners in Bengal.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. SYED NAUSHER ALI: I beg also to move that the Bengal Dentists Bill, 1938, be referred to a Select Committee consisting of—

(1) Dr. Mafizuddin Ahmed,
(2) Dr. Syed Muhammad Siddique,

(3) Maulvi Mohammad Mozammel Huq,
(4) Mr. Shamsuddin Ahmed Khandakar,
(5) Maulvi Mirza Abdul Hafeez,
(6) Khan Sahib Maulana Ahmed Ali Enayatpuri,
(7) Maulvi Muhammad Abdul Hakim Vikrampuri,
(8) Maulvi Azhar Ali,
(9) Babu Khagendra Nath Das Gupta,
(10) Mr. Narendra Narayan Chakrabarty,
(11) Babu Radhanath Das,
(12) Mr. Birendra Kishore Ray Choudhury,
(13) Maulvi Abdul Majid,
(14) Mr. Nishitha Nath Kundu,
(15) Mr. J. P. Anderson,
(16) Babu Madhusudan Sarker,
(17) Mr. Kirit Bhusan Das, and
(18) the mover,

with instructions to submit their report by the 15th June, 1938, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The above motion of the Hon'ble Mr. Syed Nausher Ali was put and agreed to.

The Bengal Tenancy (Amendment) Bill, 1938.

Message received from the Bengal Legislative Council in connection with the Bengal Tenancy (Amendment) Act, 1937.

Mr. SPEAKER: I have just received a message from the Bengal Legislative Council which Secretary will please read.

The Secretary then read out the message which was as follows:—

I am directed to return herewith the Bengal Tenancy (Amendment) Bill, 1937, which was passed by the Council with amendments at its meeting held on the 1st April, 1938, with the message that the concurrence of the Assembly be asked to the following amendments made in the Bill by the Council, namely:—

AMENDMENTS.

Clause 1.—In sub-clause (*1*) for the figure "1937" the figure "1938" has been substituted.

In sub-clause (2) after the words "such date" the words "not later than the 31st May, 1938" have been inserted and the words and figures "but not later than the 31st March 1938" have been omitted.

Clause 4.—To the marginal note in the proposed section 26C the words "and co-sharers" have been added.

In sub-section (1) of proposed section 26C the words "of a holding of an occupancy-raiyat or of a portion or share thereof" have been omitted.

In sub-section (1)(i) of proposed section 26C for the words "or his common agent, if any" the words "or landlords or their common agent, if any, who is or are not party or parties to the transfer", have been substituted.

In sub-section (3) of proposed section 26C the words "Unless the decree-holder, certificate-holder, purchaser or mortgagee, as the case may be, is the sole landlord," have been omitted.

In sub-section (4) of proposed section 26C after the word "fees" the word "prescribed" has been inserted.

In sub-section (5) of proposed section 26C for the words "said notice on the landlord or his common agent, if any" the words "notices provided in this section" have been substituted;

for the words "the said" in line 4, the word "such" has been substituted;

after the words "in place of" in line 8 the words "that of" have been inserted;

for the word "his" in line 9 the words "the transferor's" have been substituted;

after the words "along with" the words "the name of" have been inserted; and

after the proviso the following proviso has been inserted, namely:—

"Provided further that if a transfer is subsequently set aside or modified by a competent authority, the party in whose favour such order has been made shall, unless such order has been passed in a suit, appeal or other proceedings to which the landlord was a party, deposit with the authority before whom the appropriate suit or proceeding was first initiated the prescribed fee for a notice on the landlord or his common agent, if any, describing the modifications made by such order, on receipt of which notice the landlord shall cause his rent-roll to be corrected accordingly."

In sub-section (6) of proposed section 26C for the words "decree-holder," "certificate-holder," the words "transferee," has been substituted;

at the end of clause (*a*) the word "and" has been omitted;

to clause (*b*) the following has been added, namely:—

"or, until a decree or order absolute for foreclosure is made, simple or usufructuary mortgage or mortgage by conditional sale, and";

and after clause (*b*) so amended the following new clause has been inserted, namely:—

"(*c*) 'transferor' includes a person whose interest in a holding or share thereof has terminated in the circumstances mentioned in sub-section (*2*) or sub-section (*3*)."

Clause 6.—For clause (*b*) of sub-section (*1*) of proposed section 26F the following clauses have been substituted, namely:—

"(*b*) a transfer by exchange, lease or partition, or

(*bb*) a transfer by bequest or gift (including *heba* but excluding *heba-bil-ewaz* for any pecuniary consideration) in favour of the husband or wife of the testator or the donor or of any relation by consanguinity within three degrees of the testator or donor, or".

To sub-section (*1*) of proposed section 26F the following explanation has been added, namely:—

"*Explanation.*—A relation by consanguinity shall, for the purposes of this section, include a son adopted under the Hindu Law."

After sub-section (*5*) of proposed section 26F, the following new sub-section has been inserted, namely:—

"(*5*) In making an order under sub-section (*5*) in favour of more than one co-sharer tenant, the Court may apportion the property comprised in the portion or share transferred among the applicants in such manner as it deems equitable after taking existing possession into consideration; the Court shall so apportion the said property or portion thereof on the request of any applicant, and in this case may require the applicant who makes such request to make, within such period as the Court may fix, such further deposit as the Court considers necessary for equitable distribution among the remaining applicants:

Provided that no apportionment ordered under this sub-section shall operate as a division of the holding."

In clause (*a*) of sub-section (*6*) of proposed section 26F after the word and figure "section 22" the words and figure "and to any order passed under sub-section (*5a*)" have been inserted.

At the end of proposed section 26F the following new sub-sections have been added, namely:—

"(*9*) An appeal shall lie to the ordinary Civil Appellate Court from any order of a Court under this section.

(*10*) In this section 'transfer' does not include simple or usufructuary mortgage or mortgage by conditional sale until a decree or order absolute for foreclosure is made".

Clause 7(6).—In the proviso to proposed sub-section (*5*) of section 26G for the word and figure "Act, 1937" the word and figure "Act, 1938" have been substituted.

To proposed sub-section (*6*) of section 26G the following has been added, namely:—

"and may pass an order restoring the possession of the land mortgaged to the mortgagor and such order shall have the effect of a decree of a Civil Court."

Clause 16.—For clause 16 the following clause has been substituted, namely:—

"16. In sub-section (*2*) of section 49A of the said Act—

(*a*) after the word 'Bhumijes' the word 'Dalus', and

(*b*) after the word 'Mundas' the word 'Mundais' shall be inserted".

Clause 20.—Proposed section 74A has been renumbered as sub-section (*1*) of section 74A;

for the word "penalty" in line 5 the word "fine" has been substituted;

for the words, brackets and figures "sub-sections (*4*) and (*6*) to (*8*) (both inclusive)" the words, brackets and figures "sub-sections (*4*), (*7*) and (*8*)" have been substituted; the word "appeal" in line 8 has been omitted; the provisos have been omitted; and the following two new sub-sections have been inserted, namely:—

"(*2*) An appeal shall lie to the District Judge against an order imposing a fine under this section, and the order passed by the District Judge on such appeal shall be final.

(*3*) The imposition of a fine on a landlord or landlord's agent under this section shall not operate as a bar to the institution of a suit under section 75."

Clause 21.—In clause (*a*) of sub-section (*2*) of proposed section 75A for the word and figure "Act, 1937" the word and figure "Act, 1938" have been substituted;

in clause (*b*) thereof for the words and figure "commencing the twenty-seventh day of August 1937 and ending on the expiry of the" the word "of" has been substituted;

for the words "period referred to in this clause" the words "said period" have been substituted; and

to proposed section 75A the following sub-section has been added, namely:—

"(*3*) Notwithstanding anything contained in this Act or any other law, the period during which a decree, order or contract is rendered inoperative under this section shall not be taken into account in computing any period under the law of limitation nor in construing the terms of a contract."

Clause 22.—To proposed section 85A the following sub-section has been added, namely:—

"(*4*) An appeal shall lie to the ordinary Civil Appellate Court from any order of a Court under this section".

Clause 24.—The words "rate of" have been omitted in the seven places where they occur.

In proposed section 86A(*2*)(*b*) for the words "such rate" the words "such rent" have been substituted.

Clause 30.—In sub-clause (*1*) for the word "eleven" the word "nine" has been substituted.

In sub-clause (*2*) in the proposed sub-section (*2*) of section 147, after the word and figure "sub-section (*1*)" the words and figures "nor in rule 2 of Order II in Schedule I to the Code of Civil Procedure, 1908" have been inserted;

in clause (*a*) thereof for the words "rent of a complete" the words "the rent or the balance of the rent or the balance of the rent due for a complete" have been substituted.

Clause 38.—In sub-clause (*3*)(*b*) in proposed sub-clause (*c*)(*i*) for the word and figure "and (*4*)" the word and figures "(*4*) and (*5*)" have been substituted.

Mr. SPEAKER: I have taken steps to see that the entire list is published by to-night and is available to the members by to-morrow. Members will kindly note that they are to send notices of amendments

on relevant matters by 4 p.m. on Monday so that they get to-morrow, Saturday, day after to-morrow and the next day by which time to prepare their amendments. This matter will be taken up at 4 p.m. on the 7th of April.

The House stands adjourned till 4 p.m. on the 7th April.

Adjournment.

The Assembly was adjourned till 4 p.m. on Thursday, the 7th April, 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 7th April, 1938, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur Mr. AZIZUL HAQUE, C.I.E.) in the Chair, eleven Hon'ble Ministers and 227 members.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, in view of the large number of questions to be replied to, may I propose that the Hon'ble Ministers may not read the replies?

Mr. SPEAKER: They need not.

STARRED QUESTIONS

(to which oral answers were given)

Durga immersion ceremony in Nilphamari, Rangpur.

*356. **Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that Babu Kharga Narayan Roy of Saidpur in Nilphamari subdivision, district Rangpur, was granted a licence for carrying the image of goddess Durga for immersion on the 14th October last along the District Board Road;

(*ii*) that at about 1 p.m. that day the officer in charge of the local police-station came to Kharga Babu's house and asked him to proceed with the image along the licensed route, but as soon as one procession reached the District Board Road the same officer in charge asked the processionists to stop and not to proceed further till the arrival of the Subdivisional Officer of Nilphamari;

(*iii*) that the Subdivisional Officer of Nilphamari did not allow the processionists to proceed along the licensed route and asked them to disperse;

(*iv*) that the processionists were forcibly dispersed by the police and the railway officers;

(*v*) that the processionists were not even allowed to take back the image which was carried by officers including non-Hindus;

(*vi*) of a feeling amongst the Hindus over this matter;

(*vii*) that the next day the District Magistrate of Rangpur led the procession carrying the image along the licensed route; and

(*viii*) that the immersion ceremony took place after the auspicious Bijoya Dasami had passed?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) why it could not be so managed on the previous day; and

(*ii*) who was responsible for it?

(*c*) Is the Hon'ble Minister aware that Srijukta Narendra Nath Das, M.A., M.L.A., made an enquiry into this alleged occurrence?

(*d*) Is the Hon'ble Minister considering the desirability of instituting an enquiry with a view to taking necessary steps in the matter?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*), (*iii*), (*vii*), (*viii*) and (*c*) Yes.

(*ii*) On the morning of the date fixed for the procession a change of route was agreed to by the licensee in consequence of apprehended trouble. The processionists, however, having persisted in taking the image down the original route were advised to await the arrival of the Subdivisional Officer who had been wired for.

(*iv*) Yes, after the assembly had been declared unlawful. The railway officials did not take any part in it.

(*v*) The processionists having refused to take the image back, it was carried to a shed by the local Hindus only.

(*vi*) and (*d*) No.

(*b*)(*i*) Because of the danger of a clash between two contending mobs.

(*ii*) Does not arise.

Ratio of appointments for the Muslims and Scheduled Castes.

***357. Mr. RASIK LAL BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state whether the Government have fixed the ratio of appointments to the—

(*i*) Muslims; and

(*ii*) Scheduled Castes?

(b) Are the Government considering the desirability of fixing any ratio of appointment for the Caste Hindus?

(c) Have the Government fixed any ratio of appointments to the Scheduled Castes in all the branches of the different departments?

(d) If so, when?

(e) If not, why not?

(f) Have the Government received any representation from members of the Scheduled Castes party of the Assembly on the subject?

(g) If so, what decision, if any, have the Government taken on that representation?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes, for certain services.

(b) No.

(c) to (e) The hon'ble member is referred to the recruitment rules governing the different classes of public services throughout the province.

(f) Yes.

(g) The matter is under examination.

Police officers in Jessore.

*358. **Mr. SERAJUL ISLAM:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(a) how many officiating sub-inspectors of police there are in the district of Jessore in 1937-38;

(b) how many of them are Mussalmans;

(c) how many of them have been nominated by the Superintendent of Police, Jessore, for being made permanent in the same year; and

(d) how many of such nominated sub-inspectors are Mussalmans?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) 183.

(b) 48.

(c) 5.

(d) Nil.

Policy regarding granting licence for guns.

*359. **Mr. ATUL KRISHNA GHOSE:** (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state

what are the guiding principle and policy of the Government in granting licence for guns?

(*b*) Will the Hon'ble Minister be pleased to state whether Government are going to grant licence for guns to a larger number of citizens in these days of provincial autonomy?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Attention of the hon'ble member is invited to paragraphs 52 and 57 of the Bengal Arms Act Manual, 1924.

(*b*) The policy laid down is already a liberal one, and Government do not consider that any change is called for at present.

Detenu Babu Moni Krishna Sen.

***360. Maulvi ABU HOSSAIN SARKAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether it is a fact—

(*i*) that Babu Moni Krishna Sen, a detenu from Rangpur now interned in the district of Jessore, was recently granted leave to see his ailing mother;

(*ii*) that before his leave expired he was attacked with influenza;

(*iii*) that he was removed by the Local Intelligence Branch to the hospital against medical advice; and

(*iv*) that he was again ordered to go home after two days?

(*b*) If the answer to (*a*) is in the affirmative, will the Government be pleased to state reasons for disturbing the detenu in the way it was done?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*), (*ii*) and (*iv*) Yes.

(*iii*) No, he was taken there by order of the District Magistrate and his case was throughout dealt with by the Civil Surgeon.

(*b*) Does not arise.

Released detenu Srijut Sudhir Chandra Mukherjee.

***361. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Home (Special) Department aware—

(*i*) that Srijut Sudhir Chandra Mukherjee was conditionally released with certain restrictions imposed on him;

(*ii*) that the said conditionally released detenu has started a coal business at Kurigram, district Rangpur, where he is residing; and

(iii) that he had submitted repeated petitions but no monthly allowance has been sanctioned nor has any relaxation of restrictions been made?

(b) If the answer to (a) (iii) is in the affirmative, are the Government considering the desirability of sanctioning a monthly allowance for him and of relaxing the restrictions imposed upon him?

(c) Is the Hon'ble Minister aware—

(i) that Sudhir Chandra Mukherjee is to go to different places of Kurigram subdivision in connection with his coal business;

(ii) that wherever he goes the police demands from him the names of his customers; and

(iii) that the vigilance of the police has had an adverse effect on his coal business?

(d) Is the Hon'ble Minister considering the desirability of enquiring into the matter?

(e) Is the Hon'ble Minister aware that in reply to a question during the last session of the Bengal Legislative Assembly regarding monthly allowance of Sudhir Chandra Mukherjee, the Hon'ble Minister replied—that the detenu had not applied for any allowance?

(f) That in view of the said reply Sudhir Chandra Mukherjee sent in an application protesting the reply of the Hon'ble Minister?

(g) But this application of Sudhir was returned to him by the Superintendent of Police of Rangpur with the remark that the application was to be made to the Military Intelligence Officer of Rangpur?

(h) With reference to what is stated in clause (g), will the Hon'ble Minister be pleased to state whether the detenu is to apply for his allowance to the Military Intelligence Officer of the district or to the District Magistrate?

(i) Is the Hon'ble Minister aware—

(1) that Srijukta Amarendra Nath Lahiri, an ex-detenu residing at Kurigram, sent a protest to the Press against the reply of the Hon'ble Minister regarding the allowance of Sudhir; and

(2) the said Amarendra Nath Lahiri had to leave Kurigram for fear of police oppression?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) to (d) This individual has been unconditionally released; there are no restrictions on his movements and no allowance is necessary in his case.

(e) Yes.

(*f*) and (*g*) His communication being improperly worded was withheld and he was told to make a fresh representation through the Additional Superintendent of Police.

(*h*) The hon'ble member is referred to the answer given to (*b*) above.

(*i*) No such protest came to my notice nor were the local police aware of it.

Witness shed in the compound of the Serajganj Munsif's Courts, Pabna.

***362. Mr. ABDUR RASCHID MAHMOOD:** (*a*) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware—

(*i*) that there is no witness shed in the compound of the Serajganj Munsif's Courts in the district of Pabna; and

(*ii*) that the litigant public are experiencing inconvenience in the absence of such a shed?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether Government are considering the desirability of constructing a witness shed?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): I am enquiring into the matter, and if I find that a shed is required I shall endeavour to obtain the necessary funds for its erection.

State aids to Industries.

***363. Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state, separately, district by district—

(*i*) the State aids granted by way of contribution or by way of loan to any industries in Bengal up to this time since the inception of the Bengal State Aid to Industries Act; and

(*ii*) the total amount granted as such State aids;

(*iii*) how much of this total amount has been granted to cottage or small scale industries; and

(*iv*) how much has been granted to large scale industries?

(*b*) Will the Hon'ble Minister be pleased to state whether any amount has been granted to any selected individual industrialists?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the amount of such grants; and

(*ii*) the number and names and whereabouts of those individual industrialists?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) (*i*) and (*ii*) A statement is placed on the Library table.

(*iii*) and (*iv*) The entire amount has been granted to cottage or small scale industries.

(*b*) Yes.

(*c*) This is covered by the answer to (*a*) (*i*) and (*ii*) above.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the total amount spent on account of the State Aid to industries apart from the amount given out on loan, namely, Rs. 76,425?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that only Rs. 76,000 have been paid out as State Aid to industries during the last three years on an average of Rs. 25,000 a year, whereas about two lakhs of rupees were set apart each year for such expenditure?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reasons for not utilising the funds made available for State Aid to industries?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: The funds are generally given to people who comply with the terms of the State Aid Industries Act.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the number of applicants for State Aid to industries was not sufficient particularly of those who complied with the conditions?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: Apparently not.

Dr. NALINAKSHA SANYAL: Is it a fact that the Vishwa Bharati has been given Rs. 10,000 out of State Aid to industries fund and the Vishwa Bharati wanted a very large amount and satisfied the conditions?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Dr. NALINAKSHA SANYAL: Is it a fact that Rs. 25,000 have been advanced to one Mr. Haji Manniruddin of Murshidabad district and similar applications from others of that district have not been attended to?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Construction of Ronaldshay Road from Burdwan.

***364. Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table the statement showing in regard to the construction of Ronaldshay Road from Burdwan—

(*i*) the total grant;

(*ii*) the amount sanctioned for expenditure, year by year; and

(*iii*) the total surveying cost?

(*b*) Is the Hon'ble Minister aware of the inconvenience to the people of some parts in Burdwan, Bankura and Hooghly owing to the delay in construction?

(*c*) Will the Hon'ble Minister be pleased to state the actual time likely to be taken for the completion of work of the road from Baburohpur to Seharabazar?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar): (*a*) (*i*) The sanctioned estimate for the construction of the road amounts to Rs. 5,74,093.

		Rs.
(*ii*)	1935-36	13,581
	1936-37	1,29,757
	1937-38	1,65,000

(*iii*) Rs. 15,942.

(*b*) Yes.

(*c*) The work is expected to be completed by December next

Schemes for prevention of Damodar flood.

*305. **Mr. ADWAITA KUMAR MAJI:** (a) Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to lay on the table copies of the schemes suggested for prevention of Damodar flood and the reports submitted by the District Officer of Burdwan, who inspected the area affected, viz., Bibirbagan, Kumarkola and Lokra thanas, a few months ago?

(b) Are the Government contemplating to close the breaches from Bibirbagan to Sreekrishnapur on the right side of the Damodar?

(c) Is it a fact that a member of the cabinet visited some affected area in January last?

(d) Are the Government considering the desirability of taking immediate steps to prevent flood havocs in trans-Damodar area?

(e) If the answer to (d) is in the affirmative, what are the final schemes and time in regard to the question of closing the breaches.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (a), (b) and (d) A survey of the area affected by the Damodar flood is in progress and when it is completed, it should be possible to devise means by which the flooding and waterlogging can be minimised. As a temporary measure, some weirs will be constructed before the rainy season across the mouths of creeks which lead the water of the Damodar to the countryside even in times of normal flood.

(c) Yes.

(e) No schemes are ready yet.

Construction of a bridge and a culvert on the railway embankment and road near the Serajganj station.

*306. **Mr. ABDULLA-AL MAHMOOD:** (a) Is the Hon'ble Minister in charge of the Communications and Works (Railway) Department aware that the inhabitants of some 9 or 10 villages between the stations Serajganj Bazar and Serajganj made repeated representations to the Railway authorities for the construction of a bridge and a culvert on the railway embankment and road near the Serajganj station on the Eastern Bengal Railway?

(b) Are the Government considering the desirability of drawing the attention of the Railway authorities to these matters.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (a) Yes.

(b) The attention of the Railway authorities has been drawn. The matter is under investigation.

Appointments made in the various departments under the Hon'ble Minister for Communications and Works.

*367. **Mr. MD. ABUL FAZL:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(a) the total number of appointments made in the various departments and branches under his charge since 1st April, 1937; and

(b) the number of Mussalmans among them?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: A statement is laid on the table.

Statement referred to in the reply to starred question No. 367, regarding the total number of appointments made in the Department of Communications and Works, (I) Communications and Buildings Branch, and (II) Irrigation Branch, since the 1st April, 1937, and the number of Mussalmans among them.

	Number of appointments made.				Number of Mussalmans appointed.			
	Permanent.	Temporary.	Officiating.	Total.	Permanent.	Temporary.	Officiating.	Total.
	I.—Communications and Buildings Branch.							
(1) Bengal Engineering Service and Electrical Engineering Service ..	3	..	..	3	1	..	..	1
(2) Subordinate Engineering Service .	..	8	..	8	..	3	..	3
(3) Clerical establishment including Muharrirs and Record Suppliers ..	11	30	10	51	8	14	6	28
(4) Menial establishment ..	6	18	8	32	3	6	2	11
(5) Work-charged establishment ..	..	55	..	55	..	26	..	26
	II.—Irrigation Branch.							
(1) Bengal Engineering Service ..	..	2	..	2	..	1	..	1
(2) Subordinate Engineering Service ..	1	14	..	15	1	8	..	9
(3) Clerical establishment including Muharrirs and Record Suppliers ..	15	31	3	49	11	19	..	30
(4) Menial establishment ..	16	76	1	93	5	36	1	42
(5) Work-charged establishment ..	..	735	..	735	..	309	..	309

Opening of the mouth of the river Chota Bhairab.

*388. **Maulvi ABDUL BARI:** (a) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that the mouth of the river Chota Bhairab has been completely silted up near "Bati" thereby causing stagnation in commerce, spread of malaria and recurrence of flood?

(b) If so, will the Hon'ble Minister be pleased to state whether Government is contemplating to take steps to open the mouth?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (a) There are shoals in the first three miles of the Chota Bhairab which is usual with all such distributing channels. During the monsoons the river gets a good supply of water from the Bhairab. During the rest of the year the river is dry, owing to insufficiency of water in the Bhairab.

(b) Does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that a larger spill area of Chota Bhairab if opened out would improve the mouth of Chota Bhairab?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Yes, Sir, if proper spill areas could be found that will improve any river.

Dr. NALINAKSHA SANYAL: Is it a fact that Mr. Kamala Ranjan Roy of Kasimbazar has attempted by opening out a canal near Chua a larger spill area for the Chota Bhairab so that the water may be freely taken out into the large *bil* on the west of Chua?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I have no idea of the details of that project.

Dr. NALINAKSHA SANYAL: Is it a fact that the Government in the Irrigation Department found some difficulty and did not approve of the project of a larger spill area being provided for this river?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, I want notice.

Regarding the Reading out of Answers by Hon'ble Ministers.

Mr. SURENDRA NATH BISWAS: Although Dr. Sanyal has asked you to so arrange that the Ministers need not read the answers,

I am afraid that many members have not gone through the replies. So unless a member goes through the replies, how can he put supplementary questions? Dr. Sanyal has understood his mistake now.

Mr. SPEAKER: It is expected that the members should go through the answers.

Mr. SURENDRA NATH BISWAS: Many members cannot exercise the privilege of asking supplementary questions. We should know the answers so that we may put the necessary supplementary questions.

Mr. SPEAKER: As a matter of fact, I am prepared to wait a little longer if there is anything to the point. Supplementary questions are not intended for fishing out questions as a result of the answer, but if a member who is putting the question is not satisfied with the answer, the primary right belongs to him. You know better than anybody else why supplementary questions are put.

Maulvi ABDUL BARI: Sir, there is no occasion to change a convention that was being followed all along all of a sudden. Sir, when these questions were being called out I particularly thought that unstarred questions were being called out and not starred questions.

Mr. SPEAKER: We have followed it before. If the House insists, I am prepared to follow the old practice. But the result will be that a good number of questions will be locked out.

Mr. SURENDRA NATH BISWAS: We are rather prepared to face that situation. Still we should get the answers read out.

Dr. NALINAKSHA SANYAL: Sir, in view of the difficulties experienced, may I submit that short questions may be replied to and long questions may in your discretion be taken as read.

Midnapore District Board bungalow.

*369. **Mr. DEBENDRA LALL KHAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that the Government are contemplating the purchase of the bungalow constructed by the Midnapore District Board and used for several years by the District Engineer of Midnapore at a rent of Rs. 60 per month for the accommodation of police officers or for some other purpose?

(*b*) If the answer to (*a*) is in the affirmative, what is the measurement of the compound attached to the said bungalow and how many rooms there are?

(c) What is the price offered by the Government for the bungalow?

(d) Has the necessary resolution been passed by the Midnapore District Board authorising the sale of the aforesaid bungalow?

(e) Have the Government come to know of the sale of this property through advertisement in the public press or through private negotiation?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (d) Yes.

(b) The area of the compound is 10 *bighas* and 4 *cottas*. The bungalow has 2 bedrooms, 1 drawing room, 1 dining room, 2 dressing rooms, 1 office room besides 2 bathrooms, store and lamp rooms with kitchen and stable.

(c) Rs. 13,070.

(e) Through private negotiation.

Kalocho Union Board election in the Hajiganj circle of Tippera.

***370. Mr. MAQBUL HOSAIN:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that Maulvi Jonab Ali Majumdar, the successful candidate at the Kalocho Union Board election in the Hajiganj circle of the Tippera district, brought by wire in the last week of December, 1937, to the notice of the Commissioner of the Chittagong Division certain acts of interference by the Circle Officer in the said election?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

(c) Whether Government propose to take any action against interference by local officers in election matters?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I read the answer? This really belongs to my Department. It is a mistake.

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) As no specific instance of improper behaviour was cited no action was taken on the telegram.

(c) Government officers under existing orders are precluded from taking an active part in elections.

Percentage system in the matter of employment in the different District Boards.

*371. **Khan Sahib Maulana AHMED ALI ENAYETPURI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the percentage system in the matter of employment as is followed in the Government offices are followed in the self-governing institutions of Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Government state what are the different district boards which follow the system?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state what basis do the self-governing institutions follow in the matter of appointment?

(*d*) If no uniform basis is followed, will the Hon'ble Minister be pleased to take steps to fix such a uniform basis on the percentage system similar to that followed in the Government offices?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): Steps have been taken for the collection of the information which will be supplied to the hon'ble member as soon as it is available.

Detenu Kshitish Chandra Roy.

*372. **Mr. BIRENDRA NATH MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state:—

(*i*) whether detenu Kshitish Chandra Roy is at present interned at Damurhuda in the district of Nadia;

(*ii*) whether he is suffering from blood dysentery; and

(*iii*) whether his mother is seriously ill at home?

(*b*) Do the Government propose either releasing him shortly or at least interning him at home?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) No complaint to that effect has been made by the detenu to Government or to the district authorities.

(*iii*) I have seen a statement by the detenu's father to that effect and the detenu was granted leave to see her.

(*b*) His case will be considered in accordance with the declared policy of Government.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if the detenu is still on leave?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Holidays for the Buddhists in the Chittagong Division.

***373. Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*i*) what is the number of the Buddhists in the Province of Bengal; and

(*ii*) whether he is aware that there is a complaint amongst the Buddhists for the Government not declaring any public holiday on the occasion of the Baishakhi Purnima and other Buddhist festivals?

(*b*) If the answer to clause (*a*) (*ii*) is in the affirmative, are the Government considering the desirability of acceding to the demands of the Buddhists by declaring the Baishakhi Purnima day as a public holiday?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) (*i*) 316,031 according to the Census of 1931.

(*ii*) and (*b*) I have seen a few representations on the subject, and have recently agreed to grant five days' sectional holidays for Buddhists in the Chittagong Division where they number 233,242. I do not think any further action is needed.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state what is meant by sectional holidays?

The Hon'ble Mr. NALINI RANJAN SARKER: It is only for the Buddhists and for nobody else.

Persons still under detention and the associations under ban.

***374. RAI HARENDRA NATH CHAUDHURI:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*a*) the number of persons still in detention, custody or internment—

(*i*) under Regulation III of 1818,

(*ii*) under the Bengal Criminal Law (Amendment) Act,

(*iii*) under the Bengal Suppression of Terrorist Outrages Act or the preceding Ordinance, and

(*iv*) under the Bengal Public Security Act or the Special Power Ordinance, 1932;

(*b*) how many of them are—

(*i*) in detention camps, within and outside the Province,

(*ii*) in jails within or outside the Province,

(*iii*) in internment,

(1) village; or

(2) home;

(*c*) the number of persons still suffering from lesser forms of restraint; and

(*d*) the number of associations still under ban?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) 14.

(*ii*) 542 inclusive of those taking vocational courses in the training camps.

(*iii*) 133.

(*iv*) Nil.

(*b*) (*i*) Nil.

(*ii*) 27.

(*iii*) (1) 397.

(2) 12.

(*c*) 136.

(*d*) 42.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of reducing these numbers at an early date?

The Hon'ble Khwaja Sir NAZIMUDDIN: According to their policy, they are reducing the number practically every day.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if they have, as a result of their recent discussions with Mahatma Gandhi, come to any decision on this question?

The Hon'ble Khwaja Sir NAZIMUDDIN: Discussions are still continuing and I am afraid, at present I have nothing further to add to what I have already stated.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state by what time all the detenus will be released?

The Hon'ble Khwaja Sir NAZIMUDDIN: It all depends on the conditions prevailing in the province.

Allegation against the Sheristadar, District Judge's Court, Chittagong.

*375. **Maulana MD. ABDUL AZIZ:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) if any action has been taken either by the Judicial Department or by the Hon'ble High Court in connection with the written allegations made by Mr. Maniruzzaman Islamabadi against the conduct of Babu Bipin Behari Dhar, Sheristadar, District Judge's Court, Chittagong, to the Hon'ble High Court; and

(*ii*) whether the Government and the Hon'ble High Court received complaints both from the Muslim and Hindu public of Chittagong?

(*b*) If so, what action has been taken thereon?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the report of the District Judge, Chittagong, to the Hon'ble High Court or to Government and also copies of the papers relating to the action taken by the High Court or by the Government thereon?

(*d*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that Baidya Association of Chittagong sent a memorial to the Hon'ble High Court making some charges against the Sheristadar of the Chittagong District Judge; and

(*ii*) that the Registrar called for an enquiry and report from the District Judge regarding those allegations against the Sheristadar?

(*e*) Did the District Judge make any public enquiry from the Baidya Association to substantiate the charges?

(*f*) Will the Hon'ble Minister be pleased to lay on the table a copy of the report submitted by the District Judge in the matter together with the order of the High Court on the report?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) Mr. Maniruzzaman Islamabadi was informed by the High Court

that the District Judge of Chittagong is the proper person to whom the representation should be made.

(*ii*) Representations were received from the Baidya Association and from the Muslim League in addition to that received from Mr. Maniruzzaman Islamabadi.

(*b*) An enquiry was held by the District Judge under orders of the High Court.

(*c*) No.

(*d*) (*i*) Already answered under clause (*a*) (*ii*).

(*ii*) Yes.

(*e*) Enquiry was made from the President of the Baidya Association.

(*f*) No.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state what steps have been taken by the Hon'ble High Court on the report of the District Judge of Chittagong?

The Hon'ble Nawab MUSHARUFF HOSSAIN, Khan Bahadur: This is a long history. If the member wants to know the entire history of the case——

Maulvi ABDUL BARI: I want to know the gist of it only.

The Hon'ble Nawab MUSHARUFF HOSSAIN, Khan Bahadur: The High Court has taken the right step according to necessity.

Maulvi ABDUL BARI: What is ment by the "right step"?

The Hon'ble Nawab MUSHARUFF HOSSAIN, Khan Bahadur: The right step was this: Representations were made by certian parties and the High Court has ruled that no action can be taken on that.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state the reason why he is not prepared to lay on the table the report submitted by the District Judge of Chittagong to the Hon'ble High Court?

The Hon'ble Nawab MUSHARUFF HOSSAIN, Khan Bahadur: It contains a lot of confidential information.

Maulvi ABDUL BARI: Have the allegations made in the petitions been found to be entirely false by the District Judge of Chittagong?

The Hon'ble Nawab MUSHARUFF HOSSAIN, Khan Bahadur: To some extent.

Al-Haj Maulana Dr. SANAULLAH: Was there any public enquiry made?

The Hon'ble Nawab MUSHARUFF HOSSAIN, Khan Bahadur: I want notice to answer the question.

Maulvi ABDUL BARI: To what extent have the allegations been found to be true? The Hon'ble Minister has stated that they are false "to some extent"; then to what extent it is true? Will he be pleased to say that?

The Hon'ble Nawab MUSHARUFF HOSSAIN, Khan Bahadur: No.

Havoc created by a tornado in Narayanganj.

*376. **Mr. BIRENDRA NATH MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the attention of the Government has been drawn to the havoc created by a tornado in certain villages of the Narayanganj subdivision on or about the 10th March, 1938?

(*b*) If so—

(*i*) how many villages and how many people have been affected thereby;

(*ii*) what is the number of casualties, respectively, in dead and wounded;

(*iii*) how many houses have been blown down;

(*iv*) how many people have been rendered homeless;

(*v*) what is the amount of damages caused to the people;

(*vi*) what assistance, if any, do the Government propose giving to the people affected?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): The attention of the member is drawn to the reply given to the short notice Assembly question No. 348A by Mr. Monoranjan Banerjee, M.L.A., on the 30th March, 1938.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if, since that answer was given, he has received a definite petition requiring a certain amount of money for relief work in that area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: From whom? May I know before I answer this question?

Dr. NALINAKSHA SANYAL: Is there no petition from anybody?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: We have received no petition from anybody.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what further amount Government has been pleased to send, to relieve the distress of that area since the answer was given.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I may only repeat that Government have given clear instructions to local officers to give relief liberally, and that whatever amount might be necessary, Government are prepared to place at the disposal of the Collector.

Dr. NALINAKSHA SANYAL: In view of the apathy or negligence of the local officers who have not apparently sent in petitions so far, will the Government be pleased to state what steps Government proposes to take, by way of initiative in the matter of administration of relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government repudiate the charge that the local officers are apathetic. They are doing all that can possibly be done in the matter, and Government really admire the self-sacrifice made and the interest that is being evinced by the officers in the matter. We have received reports from the local officers, and Government are in constant communication with the Collector on the subject.

Mr. BIRENDRA NATH MAZUMDAR: will the Hon'ble Minister be pleased to state when was the last report from the local officer received?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The last report was received about 3 or 4 days ago.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that more than Rs. 500 has not so far been spent or sent out for the relief through the local officers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I do not exactly remember what amount has been spent, but the local officers have been given clear instructions that whatever money is necessary will be supplied by Government and that they are, therefore to give relief on a very liberal scale.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if the local officers did ask for any further relief by way of money in the their last report?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Not as yet.

District Settlement operation.

*377. **Maulvi ABDUL WAHAB KHAN:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that all District Settlement operations and most of the Land Revenue settlement operations have been decided to be stopped?

(*b*) If so, why are preliminary arrangements for traverse and other surveys in the next field season being made?

(*c*) What was the actual work done by the traverse party during the year 1937-38?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No. District operations now in progress will be continued to completion. Similarly, though further enhancement of rent proceedings have been stopped, the draft records already prepared are proposed to be completed and finally published.

(*b*) Preliminary arrangements for traverse are being made (*i*) for the revisional operation under section 112, Bengal Tenancy Act, in the excluded area in Mymensingh district. (*ii*) Besides this, the survey and preparation of record-of-rights will also have to be taken up on administrative and other grounds in some *khas mahal* areas in the districts of Fardipur, Bakarganj, Khulna and 24-Parganas. (*iii*) Arrangements have also to be made for demarcation of the political boundary programmed for 1938-39 in the frontiers of the Province.

(*c*) The traverse work done by the Bengal Traverse Party during 1937-38 is given below:—

Major—Dinajpur—B Block.

Minor—Rajshahi, Bakarganj, Tippera, Malda, Faridpur, Murshidabad, Jalpaiguri, Pabna and Nadia.

Abolition of the posts of Director of Land Records and Land Revenue Settlement Officer.

*378. **Maulvi ABDUL WAHAB KHAN:** Is the Hon'ble Minister in charge of the Revenue Department considering the desirability of—

(a) entrusting entirely to the Collectors of districts the task of maintaining records;

(b) giving the powers of Director of Land Records to the Revenue Secretary; and

(c) abolishing the posts of Director of Land Records and Land Revenue Settlement Officer altogether?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware of a feelling in the country regarding the abolition of the post of the Director of Land Records and the post of the Land Revenue Settlement Officer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government are always anxious to respect the feelings of the public, but this is an administrative matter and the responsibility lies entirely on Government.

Howrah Drainage irrigation canal.

*379. **Khan Sahib Maulvi S. ABDUR RAUF:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether he is aware that the Howrah Municipal drain water falls into the Howrah Drainage irrigation canal near Belgachia and Lilua?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister also aware that this act on the part of the Municipality affects a large section of the people residing in 40 villages within the Lilua, Jagadishpur, Bankra, Jagacha and Duillya Unions in the said district?

(c) If the answers to (a) and (b) are in the affirmative, will the Government be pleased to state what steps have hitherto been taken to remedy the public grievance in this respect?

(d) Are the Government considering it desirable—

(i) to take steps in the matter; or

(ii) to draw the attention of the Irrigation Department to this matter?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Yes.

(*b*) Yes, a fairly large number of villages.

(*c*) and (*d*) (*i*) The real solution of the problem lies in a complete system of sewerage for the whole town for which a survey is being carried out by the Chief Engineer, Public Health Department.

(*ii*) Yes.

Khan Sahib Maulvi S. ABDUR RAUF: Will the Hon'ble Minister be pleased to state whether speedy steps will be taken in the matter?

The Hon'ble Mr. SYED NAUSHER ALI: I think the Howrah Municipality was informed of the state of things, but I cannot tell the hon'ble member what steps they are taking or they propose to take in the matter.

Debt Settlement Boards in the Basirhat subdivision, 24-Parganas.

***380. Khan Bahadur A. F. M. ABDUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the number of Debt Settlement Boards established in the Bashirhat subdivision;

(*ii*) their area of operation; and

(*iii*) the names of the members of each Board with the name of the President?

(*b*) Whether the Boards have already commenced work?

(*c*) If not, when would the actual work commence?

(*d*) Whether it is in the contemplation of Government to establish more Debt Settlement Boards in Basirhat? If so, when and where?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) The hon'ble member is referred to the notifications published in the local official gazette, dated the 9th October, 1937, 4th November, 1937, 17th November, 1937, and 23rd December, 1937.

(*b*) No.

(*c*) Shortly, I understand.

(*d*) Yes; as and when recommendations are received from local authorities.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*d*), whenever such a question as this is put, the invariable answer is "that it depends on the recommendations of the local authorities". Will the Hon'ble Minister be pleased to state whether the Government cannot take the initiative instead of these Boards, wherever necessary, without depending on the recommendations of the local officers?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: They have got to take the initiative and that is what I said the other day in reply to another question.

Withdrawal of money by the depositors from the Magura Co-operative Bank.

***381. Mr. ATUL KRISHNA GHOSE:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that the Magura Co-operative Bank does not allow deposits to be withdrawn on due notice even in times of dire necessity; and

(*ii*) that there have been cases when depositors failed to afford treatment to their relatives in danger of health?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking steps in the matter?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) Yes. The Magura Central Co-operative Bank is finding it difficult to refund matured deposits regularly on account of inadequate realisation of its dues from its affiliated societies.

(*ii*) I am not aware of any such case.

(*b*) Government have no power to interfere in the internal management of co-operative societies, nor has Government any responsibility for payment of a central bank's liabilities. Government can only help with advice, and such advice is freely given.

Mr. ATUL KRISHNA GHOSE: Is the Hon'ble Minister aware of the fact that it is only because of Government's connection with Co-operative Societies that people are inclined to deposit their money, and if they do not get their money, in case of dire necessity are not Government indirectly responsible for the hardship thus caused?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That, I submit, is a matter of opinion.

Mr. ATUL KRISHNA GHOSE: With reference to answer (a)(ii), will the Hon'ble Minister be pleased to state that, if specific cases are brought to his notice, will he be ready to enquire into them and do the needful?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: If specific cases are brought to my notice, I shall certainly be prepared to enquire into them.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to help the Central Banks so that they may be able to pay up the dues of the depositors?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I explained the whole policy of Government at the time of my last "budget" speech.

Appointments in the Calcutta Police during the year 1937.

*382. **Mr. BIRAT CHANDRA MANDAL:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state how many—

(a) Caste Hindus,

(b) Muhammadans, and

(c) Scheduled Caste men

have been appointed in the Calcutta Police during the year 1937?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) 79.

(b) 35.

(c) Nil.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (c), will the Hon'ble Minister be pleased to state what steps have been taken for the recruitment of scheduled castes men in the Calcutta Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: There has been no reservation so far. The question is under examination, and I believe that, under the existing terms and conditions, the candidates belonging to the scheduled castes who came forward did not fulfil them.

Union Board Association building at Thakurgaon, Dinajpur.

*383. **Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) whether a Union Board Association building has been built and equipped with furniture at the Thakurgaon subdivision in Dinajpur; and

(*ii*) whether realisations have been made from the different Union Boards along with union rates towards the expenditure of the said Association building?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state who are responsible for the realisation of something extra with union rates?

(*c*) Whether any acknowledgment receipt was issued for such realisation?

(*d*) If so, under whose signature?

(*e*) What has been the cost of erecting the building and of the furniture?

(*f*) Whether there has been accounting made in these respects?

(*g*) What was the object of erecting the building?

(*h*) How has it been used till now?

(*i*) Whether it is a fact that it was and is mainly used by the Government officers as their resting place when on visit to the subdivision?

(*j*) Whether the entire cost of the building and furniture has been realised from the Union Boards within the subdivision?

(*k*) If not, from what fund has the cost been borne?

(*l*) If the entire cost has not yet been realised, how is the cost proposed to be met and the building going to be used in future?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) (*i*) Yes.

(*ii*) No.

(*b*) to (*d*) Do not arise.

(*e*) The cost of erecting the building was Rs. 17,924-5 and that of furniture Rs. 1,883-12.

(*f*) Yes.

(*g*) and (*h*) It was erected with the definite objects of providing a permanent office and a meeting hall of the Union Board Association and the mufassal members when they come to Thakurgaon on duty. It has been used for the purposes mentioned above.

(i) No.

(j) and (k) The entire cost has not yet been realised. Only a portion of it has been realised from the Union Boards.

(l) The Union Board Association has decided at a general meeting to sell the building to clear off the contractors' dues.

Mr. NISHITHA NATH KUNDU: With reference to answer (a) (ii), in which the Hon'ble Minister says "No", and also with reference to answers (j) and (k), in which he states: "Only a portion of it has been realised from the Union Boards", will the Hon'ble Minister be pleased to state how these realisations were made?

The Hon'ble Mr. SYED NAUSHER ALI: The whole payment was made out of the Union Boards' funds, and no separate realisations were made from the rate-payers for this purpose.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what was the amount realised from the Union Boards as a whole, and also the amount realised from each Union Board?

The Hon'ble Mr. SYED NAUSHER ALI: I think that all the Union Boards in the subdivision contributed towards the fund for this purpose, and I guess that the amount realised from each Union Board was Rs. 100.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware of the fact that there is a desire amongst the Presidents of Union Boards to have a Union Board Association building in every subdivision in order to provide accommodation for them when they come to the headquarters of the subdivision?

The Hon'ble Mr. SYED NAUSHER ALI: I am not aware of any general demand of this nature.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether Government are prepared to contribute towards the erection of such buildings?

The Hon'ble Mr. SYED NAUSHER ALI: Government do not contemplate making any contribution for this purpose.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether Government are prepared to help the Union Board Association at Thakurgaon, so that the building may not be sold away to the District Board as proposed?

The Hon'ble Mr. SYED NAUSHER ALI: I cannot give any answer off-hand to a question like this, but I will look into the matter.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether he is aware that this building has been principally used as the rest house of Government officials and not as the rest house of union board members or presidents?

The Hon'ble Mr. SYED NAUSHER ALI: I think that the answer is already there.

Dr. NALINAKSHA SANYAL: Sir, I have not got any answer to my question. I wanted to know the general policy of Government in matters of this nature.

Mr. SPEAKER: I think your question has already been answered. You have put your question, and the Hon'ble Minister has denied it.

Mr. NISHITHA NATH KUNDU: Can the Hon'ble Minister deny that an office has been located in that building and that an officer has been appointed in charge of that office?

The Hon'ble Mr. SYED NAUSHER ALI: Sir, I ask for notice.

Mr. NISHITHA NATH KUNDU: With reference to answer (*1*), will the Hon'ble Minister be pleased to state at what general meeting the Union Board Association decided to sell the building?

The Hon'ble Mr. SYED NAUSHER ALI: Here also I ask for notice, Sir.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state what is the amount outstanding for which the Union Board Association building is proposed to be sold?

The Hon'ble Mr. SYED NAUSHER ALI: I cannot answer that question off-hand, Sir.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state what steps, if any, have been taken to sell the building, and also whether any purchaser has been found for the building?

The Hon'ble Mr. SYED NAUSHER ALI: Sir, these are matters of detail which I cannot answer without due notice.

Maintenance of a Settlement Officer with staff for Land Revenue settlement.

*384. **Maulvi ABDUL WAHAB KHAN:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that all enhancement proceedings are going to be suspended?

(*b*) If so, why a Settlement Officer for land revenue settlement is being still maintained with a staff?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Attention is invited to clause 21 of the Bengal Tenancy (Amendment) Bill, 1938, now under consideration in the Bengal Legislative Council.

(*b*) There were two posts of Land Revenue Settlement Officer and they have already been amalgamated. The present Land Revenue Settlement Officer is also in charge of Howrah major settlement operation. The abolition of this post and the consequent discharge of the staff of that officer will depend on the final decision of policy adopted by Government regarding all forms of land revenue operations.

Records of khas mahal lands.

*385. **Maulvi ABDUL WAHAB KHAN:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether any records of *khas mahal* lands subject to alluvion or diluvion are maintained and brought up to date year after year by the Collectorate *khas mahal* staff?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The rules provide that the *khas mahal* records should be kept up to date, but owing to pressure of work and shortage of staff, the records are not always quite up to date.

Attendance of Muslim clerks on a sectional holiday in the Dinajpur Treasury.

*386. **Maulvi ABDUL JABBAR:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state if it is a fact that the Treasury Officer of Dinajpur compelled the Muslim clerks under him to attend office on the 12th March, 1938, which was a sectional holiday and on the 13th March, 1938 (Sunday), which was a public holiday on account of the Muhammadan festival "Muharram"?

(*b*) Is it a fact that the same officer compelled a Muslim peon to attend office on the last "Bakrid" day which was a public holiday?

(*c*) If so, why?

(*d*) Is the Hon'ble Minister considering the desirability of taking steps in allowing Muslim officers to perform their religious ceremonies on public holidays in future?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) No.

(*c*) and (*d*) Do not arise.

Maulvi ABDUL BARI: Since the answer to questions (*a*) and (*b*) is "No," will the Hon'ble Minister be pleased to state why this question has at all cropped up? Did the Hon'ble Minister enquire?

Mr. SPEAKER: I think that this question is not within the cognizance of the Hon'ble Minister.

Amounts contributed by Government and amounts spent by the District Boards of Bengal.

***387. Khan Sahib Maulana AHMED ALI ENAYETPURI:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing for the last financial year—

(*a*) what were the totals of revenue from all heads for each of the District Boards;

(*b*) what were the amounts contributed by Government to each of the District Boards in Bengal on the following accounts:—

(*i*) Education,

(*ii*) Public Health, and

(*iii*) Water-supply; and

(*c*) what were the amounts spent by each District Board on account of—

(*i*) Education (primary and secondary),

(*ii*) Public Health, and

(*iii*) Water-supply?

The Hon'ble Mr. SYED NAUSHER ALI: A statement is laid on the Library table.

(After the Secretary called out question No. 388, Mr. Dhirendra Nath Dutta rose to put a supplementary question.)

Mr. SPEAKER: I am sorry we have passed on to the next question.

Mr. DHIRENDRA NATH DATTA: Sir, I want to put an important supplementary question in connection with question No. 387, viz., what amount has been distributed amongst the District Boards?

Mr. SPEAKER: I suppose that that question has been answered twice.

Publications of articles in the Press against the Government.

*388. **Mr. AHMED HOSSAIN:** (*a*) Will the Hon'ble Minister in charge of the Home (Press) Department be pleased to state whether he is aware that a section of the Press in Bengal is abusing its freedom by daily publications of articles against the Government?

(*b*) If the answer to (*a*) is in the affirmative, what actions have the Government taken or do they propose to take to deal with the offending section of the Press?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) The volume of these untruths and misrepresentations is so vast that it has been found impossible to check this propaganda except by occasional warnings which, however, have had little effect. Action under the existing law has sometimes been taken. The possibility of devising methods of dealing effectively with the mischief is under consideration.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that untruths and misrepresentations are also indulged in by Government in their press communiqués?

Mr. SPEAKER: That question does not arise.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I strongly repudiate the suggestion of the hon'ble member.

Rai HARENDRA NATH CHAUDHURI: But all the same it is a fact.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in order to elicit further information on points referred to in Government communiqués and which border on untruths and misrepresentations, the press has to indulge in a certain amount of "queries"?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: But my question is quite clear, Sir.

Mr. SPEAKER: Both the original question and the answer thereto are quite clear. If you are not satisfied with that answer, would you please tell me exactly what is your supplementary question?

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the freedom of the press is one of the fundamental principles under which democracy can function?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, but abuse of that freedom by the press is not allowed anywhere in the world.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what steps are under the consideration of Government to put a check to the so-called misrepresentations?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member will know when the measures will be introduced.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that a section of the press carry on improper propaganda in favour of the Government which is based on half-truths and untruths?

Mr. SPEAKER: That question does not arise.

Mr. SASANKA SEKHAR SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that a certain section of the press carry on propaganda in favour of the Government based on half-truths and untruths and this leads to communal tension?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir, I repudiate it strongly.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to consider the desirability of maintaining the freedom of the press under all circumstances to make democracy free?

The Hon'ble Khwaja Sir NAZIMUDDIN: As long as there is no abuse of that freedom, it will be allowed.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if he is aware that there are some newspapers which support the Congress and the Opposition in the House——

Mr. SPEAKER: I cannot allow this question.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state on how many occasions warnings were issued?

The Hon'ble Khwaja Sir NAZIMUDDIN: On many occasions.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state the approximate number on which warnings were issued—I want a definite answer?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think over 20 times.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if he is aware of the fact that Government have gone so far to control the freedom of the press as to fix the limit up to which journalists can go and how they will put the headlines with regard to free criticism against the Government? Is this abuse or proper use from his point of view?

Mr. SPEAKER: This question hardly arises.

I do not deny that you are perfectly entitled to put a legitimate and proper question on the point of abuse and wrong use of the freedom of the press by Government; but this question is purely intended to find out as to what Government intend to do, so if you go by side issues you lose the very purpose of the question. This question is a valuable question for the sake of eliciting information as to what the intention of the Government is.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in view of the fact that there is greater danger of abuse on the part of Government for any restrictive legislation in regard to the press, Government will be pleased to consider the desirability of obtaining public opinion on this question first before any legislation is decided upon?

The Hon'ble Khwaja Sir NAZIMUDDIN: The legislation will have to be placed before this House and the honourable members will see that the measures are fair and just and are such as would prevent all kinds of deliberate misrepresentation of facts.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if he is aware that there is a section of the press which carry on deliberate propaganda against the coalition party here?

Mr. SPEAKER: That question does not arise.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state if he is aware of the fact that the Press Department is controlling newspapers regarding what sort of headlines and double columns they will print regarding the publication of any information that goes against the Government?

Mr. SPEAKER: I am afraid, although you have a very good intention, the form in which you have put your supplementary question is out of order. It may be put in this way "Will the Hon'ble Minister be pleased to state whether Government have not enough power already in them by which to control the press".

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the powers already in the hands of Government are not considered enough to deal with any deliberate misrepresentation either against the Government or against any other party whatsoever?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is the difficulty at the present time. Government have not got powers to deal with newspapers which deliberately and maliciously put forward false news against Government or any other party whatsoever and Government are contemplating whether it is possible to devise some means by which this kind of propaganda can be put a stop to.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if misrepresentations can be properly met and replied to by the Government Press Officer and his department if there is any misrepresentation against Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: It all leads to an argument; but I will cite certain instance where a certain newspaper came with a certain headline and when asked to publish a contradiction it published it in such a place as was hardly visible.

Cancellation of licences for revolver and gun held by Srijut Baijnath Bagla of Chuadanga, Nadia.

***339. Mr. HARIPADA CHATTOPADHYAY:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that the licences for a revolver and a gun held by Srijut Baijnath Bagla, a leading merchant and a Congressman of Chuadanga in the district of Nadia, were cancelled by the District Magistrate, Nadia?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what is the reason which led to the cancellation of the licences for the revolver last year and the gun this year which had long been held by Srijut Bagla?

(*c*) Is it a fact that the licence No. 12 of 1936 for the purchase and sale of ammunition at Chuadanga which was granted to Srijut Rabindra Nath Acharyya of Chuadanga had also been cancelled and that the renewal of the licence was refused after repeated applications by Srijut Acharyya by the District Magistrate, Nadia, without giving any reasons?

(*d*) What are the grounds for such cancellation of his licence for the purchase and sale of ammunition?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Licences for revolver and gun held by Babu Baijnath Bagla have been cancelled.

(*b*) The revolver licence was suspended in 1931 and cancelled in January, 1934; the gun licence was cancelled in December, 1937. Retention of the licences was not considered safe.

(*c*) Yes. Only one application for renewal was received.

(*d*) Continuation of the licence was not considered desirable by the local officers. The matter is being further examined under my orders.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the reasons for not considering the retention of the licenses with this gentlemen safe?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got nothing further to add.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the licenses were not renewed on the ground that Mr. Sarat Chandra Bose, the Leader of the Opposition, was the guest of this gentleman during the election campaign?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not, that is not the case.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is not a fact that this gentleman is one of the leading citizens of the place having to pay a large amount of income-tax and a merchant with considerable stake in the country?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so; I have no information about his being a leading citizen.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference answer (*d*), if he would consider the desirability of withdrawing this ban on this gentleman?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am prepared to look into that question.

Protective staff for the Special Branch.

*380. **Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether there is any protective staff for the Special Branch?

(*b*) If so, what are their functions?

(*c*) What is the total annual expenditure for the staff?

(*d*) How many of them are Europeans?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Protection of certain officers.

(*c*) About Rs. 40,000 a year.

(*d*) None.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state who are those blessed officers——

Mr. SPEAKER: I do not allow this question.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state the names of the officers for whose protection a punitive tax to the extent of Rs. 40,000 is being paid and in view of the normal political situation in the country will he consider the desirability of abolishing this staff and saving this amount?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the honourable member to the question itself. It is for the protection of certain officers of the Special Branch whose lives were considered to be in risk, and they are the people who have been protected.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to state, admitting that their lives were in risk, if in view of the present normal condition of the country, there is any necessity of spending so much money for no purpose whatsoever?

The Hon'ble Khwaja Sir NAZIMUDDIN: Time has not yet arrived when this protection can be withdrawn.

Model Health Unit at Sonarpore, 24-Parganas.

***391. Mr. ANUKUL CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Public Health Department be pleased to state whether there is a proposal for starting a Model Health Unit assisted by Rockefeller funds at Sonarpore, 24-Parganas?

(*b*) If so, when do the Government propose actually starting the unit?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) There is at present no such proposal.

(*b*) Does not arise.

Appointment of clerks from Scheduled Castes and Muslims in the office of the District Judge, 24-Parganas.

***392. Babu DEBENDRA NATH DASS:** (*a*) Will the Hon'ble Minister in charge of the Judicial Department be pleased to state—

(*i*) the number of clerks—

(1) permanent, and

(2) temporary

in the office of the District Judge, 24-Parganas; and

(*ii*) the number among them both permanent and temporary (to be shown separately) belonging to the—

(1) Caste Hindus,

(2) Scheduled Castes, and

(3) Muslims?

(*b*) Is there any principle followed in the appointment of these clerks?

(*c*) If so, what is that principle?

(*d*) Is the Hon'ble Minister considering the desirability of adopting a policy that will ensure due representation of the Scheduled Castes and Muslims in the future appointments in the said office?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) and (*ii*) A statement is laid on the table.

(*b*) and (*c*) The principle followed in the appointment of clerks from the Scheduled Castes and Muslims is contained in Appointment Department Circular Nos. 1984-87A.D., dated the 28th October, 1925,

1276A.D., dated the 11th June, 1926, 3540-54A, dated the 28th April, 1931, and 9898A, dated the 21st September, 1936, copies of which are laid on the Library table.

(*d*) Does not arise.

Statement referred to in the reply to clause (a) of starred question No. 392.

Office of the District Judge of 24-Parganas—

Total number of clerks (permanent)	...	215
Number of Caste Hindu clerks (permanent)	...	160
Number of Scheduled Caste clerks (permanent)	...	3
Number of Muhammadan clerks (permanent)	...	52
Total number of temporary clerks	...	10
Number of Caste Hindu clerks (temporary)	...	4
Number of Scheduled Caste clerks (temporary)	...	1
Number of Muhammadan clerks (temporary)	...	5

Appointment of Bengalis in the different jails of Bengal.

*393. **Mr. JASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*a*) the present total number of each cadre of the officers in all the jails of Bengal and the number of Muhammadans amongst them showing separately the number in each cadre of the Central Jails, District Jails and Special Jails and also Bankura Borstal School;

(*b*) the average number of population in jails during the last six months showing separately the number of Hindus, Muhammadans and other castes;

(*c*) the present number of chief head warders, head warders and warders in each of the circle jails in Bengal with the number of Bengalis in each class;

(*d*) the number of vacancies (both temporary and permanent) that were filled up during the last three years and the number filled up by the candidates of Bengal, Bihar, the United Provinces, and the Punjab showing separately the number of Hindus, Muhammadans, Sikhs and other castes of each

province (the figures of each circle jail, district jail and special jail may be furnished separately);

(e) whether it is a fact that in some circle jails and special jails preference is being given to Punjabi Sikhs and Punjabi Muhammadans at the time of appointments to recruits from Bengal; and

(f) what is the number of vacancies that occurred during the last 3 years in the Quinine and Cinchona Department of the Presidency Jail and number of Muslims appointed thereto?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) The information is given below:—

	Number of posts.	Number of Muhammadans.
(1) Central Jails—		
Superintendents (whole time)	6	..
Deputy Superintendents (whole time). ..	4	..
Jailors	7	1
Deputy Jailors	26	8
(2) Other jails including Borstal School Bankura—		
Superintendents	4	..
Jailors	19	6
Deputy Jailors	30	6

(b) The daily average number of prisoners in jails and sub-jails during the 6 months from July to December, 1937, was 19,762·13. Figures showing their percentage according to religion are not available. Percentage of the convicts admitted during the period according to religion are however as follows—

Muhammadans	... 52·96
Hindus and Sikhs	... 45·03
All other classes	... 2·01

(c) A statement is laid on the table.

(d) The number of vacancies (both temporary and permanent) in the warder establishment from January, 1936, to February, 1938, and

the number filled by Bengalis are given below. The other figures wanted cannot be furnished without reference to the circle jails—

Name of circle.	Number of vacancies.	Number filled up by Bengalis.
Dacca	74	18
Alipore	61	27
Rajshahi	79	24
Presidency	104	29
Midnapore	57	8
Dum-Dum	169	13

(*e*) No.

(*f*) Four of which 2 were filled up by Muhammadans.

Statement referred to in the reply to clause (c) of starred question No. 393.

THE NUMBER OF CHIEF HEAD WARDERS, HEAD WARDERS AND WARDERS IN EACH OF THE CIRCLE JAILS IN BENGAL WITH THE NUMBER OF BENGALIS IN EACH CLASS.

	*Number of chief head warders.		*Number of head warders.		*Number of warders.	
	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.
Name of Circle.						
Presidency ..	2	..	35	..	376	37
Alipore ..	4	7	33	..	339	36
Dacca ..	3	3	43	3	397	85
Rajshahi ..	3	3	39	..	361	28
Midnapore ..	4	2	23	..	259	21
Dum-Dum ..	2	..	6	3	100	58
Total ..	18	15	179	6	1,832	265
Name of special jail.						
Hijli ..	..	..	..	1	..	14
Total ..	..	..	..	1	..	14
Grand total ..	18	15	179	7	1,832	279

*The total strength of respective Circles has been shown and not of the the Central (Circle) Jails only.

	Number of Bengalis.	
	Permanent.	Temporary.
Chief head warders ..	....	1
Head warders ..	1 (Darjeeling District) ..	....
Warders ..	95 (43 Muhammadans) ..	90 (40 Muhammadans).

Motion of no-confidence against the President of Kendua Union Board No. 1, Jamalpur, Mymensingh.

*394. **Mr. ABDUL KARIM:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact—

(*a*) that the members of the Kendua Union Board No. 1 of police-station Jamalpur in the district of Mymensingh passed a motion of no-confidence against the President of the Board in 1936;

(*b*) that the District Board of Mymensingh passed a resolution on the 25th September, 1937, requesting the Government to take necessary action to remove the President under section 56 (*1*) (*a*) of the Bengal Village Self-Government Act; and

(*c*) if the answers to (*a*) and (*b*) are in the affirmative will the Hon'ble Minister be pleased to state reasons why no action has yet been taken in the matter?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) and (*b*) Yes.

(*c*) The matter is now under the consideration of Government.

Maulvi ABDUL LATIF BISWAS: With reference to answer (*c*), will the Hon'ble Minister be pleased to state how long the matter will remain under consideration?

The Hon'ble Mr. SYED NAUSHER ALI: It will be disposed of very soon.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state whether he considers it desirable to expedite all such matters?

The Hon'ble Mr. SYED NAUSHER ALI: Cases are generally disposed of as quickly as possible and I will try to do so consistent with the urgency of other matters.

Mr. ABDUL KARIM: Will the Hon'ble Minister be pleased to state if it is a fact that the Circle Officer recommended the dissolution of the Board instead of the removal of the President?

The Hon'ble Mr. SYED NAUSHER ALI: I think so.

Maulvi ABDUL LATIF BISWAS: Will the Hon'ble Minister be pleased to state if the meaning of the words "under consideration" is that the matter will remain under consideration till the life-time of the Board expires?

The Hon'ble Mr. SYED NAUSHER ALI: This is a very unfortunate case. It arose in 1936. I am not sure whether the term has or has not expired as I have not been able to get the date. It has a long chequered history and has been sent down for the opinion of the District Board and that is why this delay. If the term has already expired or it is likely to expire very soon, it is no use removing these people.

Number of District Settlements working.

***395. Maulvi ABDUL WAHAB KHAN:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) how many District Settlements were working in each year from 1932-33 to 1937-38; and

(*b*) how many are proposed to work in 1938-39?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A statement is placed on the table.

Statement referred to in the reply to starred question No. 395.

THE WORK DONE OR PROPOSED TO BE DONE ACCORDING TO THE SETTLEMENT YEAR IS SHOWN BELOW.

1932-33—Chittagong, Burdwan-Hooghly, 24-Parganas, Rangpur and Malda.

1933-34—Rangpur, Malda and Burdwan-Hooghly.

1934-35—Rangpur, Malda, Burdwan-Hooghly, Howrah and Dinajpur.

1935-36—Rangpur, Malda, Burdwan-Hooghly, Howrah and Dinajpur.

1936-37—Rangpur, Burdwan-Hooghly, Howrah and Dinajpur.

1937-38—Rangpur, Burdwan-Hooghly, Howrah and Dinajpur.

1938-39—Rangpur, Dinajpur and Howrah.

Number of licences given for excise shops in the year 1937.

*396. **Mr. BIRAT CHANDRA MANDAL:** Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state how many licences for excise shops were given to—

(*a*) caste Hindus;

(*b*) Mussalmans; and

(*c*) Scheduled Caste men

during the year 1937?

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): The information is not readily available and its collection would entail so much time and labour that Government regret that they are unable to supply the figures within the time available.

Babu KSHETRA NATH SINGHA: Will the Hon'ble Minister be pleased to state whether Government is going to undertake the trouble of preparing a list of Scheduled Castes in future while granting excise shops?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes.

Allowance granted to ex-detenu Kumud Ranjan Das Gupta of Dacca.

*397. (*a*) **Mr. BIRENDRA NATH MAZUMDAR:** Will the Hon'ble Minister in charge of the Home Department be pleased to state whether ex-detenu Kumud Ranjan Das Gupta of Dacca, released in December last, has been granted any allowance?

(*b*) If so—

(*i*) what is the amount; and

(*ii*) whether the entire amount for December last has been paid to him? If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) (*i*) Rs. 10.

(*ii*) No, a deduction was made to cover a previous overdrawal.

Mr. BIRENDRA NATH MAZUMDAR: With reference to answer (*b*)(*ii*), will the Hon'ble Minister be pleased to state if the detenu himself made an application to the Hon'ble Minister for an explanation

of this overdrawal after having failed to elicit a reply from the district authority or the Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: He may have made an application; I am receiving numerous applications.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state when and why was this overdrawal made and was the detenu ever informed that there has been any overdrawal?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Ravages of malaria and kala-azar in different unions in Mymensingh.

***398. Maulvi ABDUL WAHED:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that a large number of people belonging to the unions Dauhakhola, Bhagnamari, Ramgopalpur and Tarundia, etc., under police-station Iswarganj, district Mymensingh, died of malaria and kala-azar in recent years;

(*ii*) that the majority of those who are living in those unions have been still suffering; and

(*iii*) that about one thousand people died of malaria only in the last year in the aforesaid Dauhakhola Union alone?

(*b*) If the answers to (*a*) are in the affirmative, what special steps have the Government taken for the eradication of malaria from those unions?

(*c*) If no steps have been taken, are the Government considering the desirability of taking any special remedial measures even now?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) (*i*) Yes.

(*ii*) A large number of inhabitants of these unions are suffering.

(*iii*) There were 421 deaths from malaria in the union.

(*b*) and (*c*) A comprehensive malaria survey is in progress in police-station Iswarganj. An anti-malaria scheme on the lines suggested by Public Health Department has been framed for this thana by the Mymensingh District Board and is being examined.

The member is referred to the answer given to unstarred question No. 87, clause (*b*), by Mr. Charu Chandra Roy in the current session.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state the authority by which the survey is going to be made, whether the District Board or the Government?

The Hon'ble Mr. SYED NAUSHER ALI: I think Government officials are making this survey.

Chairman of the Araidanga Debt Settlement Board.

*399. **Mr. ATUL CHANDRA KUMAR:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) that a clerk of the Malda Collectorate is the Chairman of the Araidanga Debt Settlement Board;

(*ii*) that the said Chairman lives 16 miles off from the village; and

(*iii*) that he does not attend all the court days?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of nominating some other gentleman in his place?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes.

(*b*) No: There are good means of communication between Malda and Araidanga, and the Chairman has attended most of the sittings including those at which the Board made awards in 28 out of the 32 cases settled.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state why the Chairman was not selected from persons who live in the village?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It depends upon the recommendation of the local officers in consultation with public bodies.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state if he is in possession of any information that the opinions of the local persons were obtained for the purpose?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am afraid I have not got any such information.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if any non-official gentleman was available in the locality for the Chairmanship?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Mr. ATUL CHANDRA KUMAR: Is the Hon'ble Minister aware that the Chairman disposed of this file after this question was put and sent to the District Magistrate, Malda, for report?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I do not know of this, but I have given the answer to (b) which gives all the details.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state whether most of the court sittings could not be held for want of quorum?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am afraid I am not aware of this.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state in view of answer (a) (iii) that this gentleman does not attend on all the court days, the number of days the courts were called for sitting and the number of days this gentleman did not attend?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I must ask for notice.

Undergraduate demonstrator in the Presidency College, Calcutta.

***400. Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is any undergraduate demonstrator to Physics in the Presidency College?

(*b*) Whether it is a fact that he was appointed on temporary basis in 1934 till the appointment of a qualified candidate on properly notified advertisement?

(*c*) Whether it is a fact that Government contemplate his confirmation soon without advertising for applications from other candidates?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) Yes.

(*b*) No.

(*c*) He has already been confirmed in the appointment.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state on what ground and under what circumstances an undergraduate was taken in as a demonstrator in a first-grade college like the Presidency College?

The Hon'ble Mr. A. K. FAZLUL HUQ: That was done long ago and I have no information.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state when he was confirmed?

The Hon'ble Mr. A. K. FAZLUL HUQ: He was confirmed as far as I can remember after the receipt of this notice. When I looked into this question I confirmed him.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state what is the minimum qualification for such a post?

The Hon'ble Mr. A. K. FAZLUL HUQ: As far as I am aware there are no minimum qualifications laid down; only general fitness is required.

Mr. MIRZA ABDUL HAFIZ: Will the Hon'ble Minister be pleased to state if there were no well-qualified and well-experienced Moslem candidates for this post?

The Hon'ble Mr. A. K. FAZLUL HUQ: As far as I remember, there was no Muhammadan candidate. The question was selection between a Hindu and a Hindu and I found that this gentleman did not deserve of being deprived of the appointment. That is why he was appointed.

Scheme for the introduction of Free Primary Education in the Bogra Municipality.

***401. Khan Bahadur MOHAMMED ALI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the Bogra Municipality have sent up a scheme for the introduction of free primary education within the municipal area?

(*b*) If so, what action have the Government taken or do they propose to take in the matter?

(*c*) Is it a fact that the Director of Public Instruction has forwarded the scheme to Government for approval?

(*d*) If so, what are the reasons for the delay?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes; the scheme is still under consideration and a decision will be arrived at shortly.

Khan Bahadur MUHAMMAD ALI: Will the Hon'ble Minister be pleased to state when the Government received this scheme?

The Hon'ble Mr. A. K. FAZLUL HUQ: I will look into it.

Khan Bahadur MUHAMMAD ALI: Is the Hon'ble Minister aware that there is a strong feeling in Bogra that compulsory free primary education should be introduced at an early date?

The Hon'ble Mr. A. K. FAZLUL HUQ: That is the feeling all over the country and Bogra is no exception.

Grants to junior madrasahs in the Dacca Division.

***402. Maulvi ABDUL KARIM:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay a statement on the table showing for each district of the Dacca Division—

(*a*) the number of recognised junior madrasahs;

(*b*) the number of such madrasahs receiving grants-in-aid from Government; and

(*c*) the amount sanctioned by Government to those madrasahs in 1937-38, including capital and other grants?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The figures are as below—

Dacca	...	29
Mymensingh	...	64
Faridpur	...	24
Bakarganj	...	33

(*b*) The numbers are—

Dacca	...	19
Mymensingh	...	31
Faridpur	...	13
Bakarganj	...	21

(c) The following grants were made in 1937-38—

		Rs.
Dacca	...	11,410
Mymensingh	...	17,260
Faridpur	...	6,720
Bakarganj	...	12,883

Maulvi ABDUL KARIM: Will the Hon'ble Minister be pleased to state why so many recognised madrashas in the district of Mymensingh have not been granted any aid?

The Hon'ble Mr. A. K. FAZLUL HUQ: The amount available for grant-in-aid was very inadequate and it is only this year that I have been able to put in the budget a sum of Rs. 78,000 recurring per year for grants, and I will take steps to give grants to competent institutions as their cases come up for consideration.

Accommodation for Gurus in the Gaibandha Guru Training School.

***403. Maulvi ABU HOSSAIN SARKAR:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that in Gaibandha Guru Training School there is accommodation for ten *gurus* only?

(b) If so, will the Hon'ble Minister be pleased to state—

(i) whether it is a fact that good number of *gurus* are compelled to go to Kurigram and Nilphamari where there are improved schools; and

(ii) what is the number of such *gurus* who had to go outside schools during the last three years?

(c) Are the Government considering the desirability of improving the said school to accommodate more *gurus* to meet the growing demand?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) and (b) (i) Yes.

(ii) 12, 15 and 20 in 1935, 1936 and 1937, respectively.

(c) The Director of Public Instruction is considering this question.

Maulvi ABU HOSSAIN SARKAR: With reference to answer (c), will the Hon'ble Minister be pleased to state how long the matter has been under the consideration of the Director of Public Instruction?

The Hon'ble Mr. A. K. FAZLUL HUQ: As far as I am aware, the matter came to my notice about two months ago. I do not know how much time previous to that has been spent in considering the matter, but I have been considering it for 2 months and I have not yet been able to come to any decision because I have not got all the facts.

Middle English schools in District Board and Municipal areas.

*404. **Mr. SYED ABDUL MAJID:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay a statement on the table showing separately—

(*i*) the number of the middle English schools in District Board areas enjoying grants from the Government or District Board or from both;

(*ii*) the number of students reading in classes V and VI of these schools;

(*iii*) the number of middle English schools in Municipal areas;

(*iv*) the number of students reading in the middle English schools in Municipal areas; and

(*v*) the total amount paid by the Government, District Board and the Municipalities to the middle English schools?

(*b*) Are the Government considering the desirability—

(*i*) of stopping grants to a middle English school situated within a mile of a high English school; and

(*ii*) of allotting the amount thus saved towards primary education?

The Hon'ble Mr. A. K. FAZLUL HUQ:

(*a*) (*i*) Government aided	...	198
District Board aided	...	1,073
Aided by both	...	119
(*ii*) In Government aided schools	...	7,083
In District Board aided schools	...	31,262
In schools aided by both	...	3,477

(*iii*) 143.

(*iv*) 18,970.

		Rs.
(*v*) Amount paid by Government	...	2,30,349
Amount paid by District Board	...	3,34,317
Amount paid by Municipality	...	33,564
Total	...	5,98,230

(*b*) (*i*) No, unless the school fails to satisfy the existing conditions of grants-in-aid one of which requires that the existence of the school is a local necessity.

(*ii*) No.

Debt Settlement Boards of the Haliganj Circle, Tippera.

*405. **Maulvi JONABALI MAJUMDAR:** (*a*) With reference to the reply to clause (*b*) (*ii*) of unstarred question No. 27 put by me on the 24th August last, will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) whether it is a fact that these forms were received in Tippera before "November"; and

(*ii*) whether it is also a fact that the forms were supplied by the local authorities to the Debt Settlement Boards concerned in the Hajiganj circle in the month of September?

(*b*) If the answer to (*a*) (*i*) and (*ii*) is in the affirmative, are the Government considering the desirability of inquiring into the matter?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) Yes; of the 29 forms then prescribed for the use of Debt Settlement Boards, three were received at the end of September and the remainder in October.

(*ii*) These three forms may have been distributed to Boards in September: the remainder were distributed during October.

(*b*) I have enquired: the Collector of Tippera wrote in February, 1937, while sending a supplementary indent for further forms, that the first supply of forms had been received in November, 1936: I had no reason to doubt the accuracy of this statement in giving my reply to unstarred question No. 27 of 24th August, last session.

Maulvi JONABALI MAJUMDAR: With reference to answer (*ii*) in which the Hon'ble Minister says that these three forms may have been distributed to Boards in September and the remainder were distributed during October and then in (*b*) he goes on to say "while sending a supplementary indent for further forms that the first supply of forms has been received in November 1936! Now the supplementary question that I ask——

Mr. SPEAKER: Please frame your supplementary question at once. I cannot surely wait 10 minutes for you to do the same.

Maulvi JONABALI MAJUMDAR: With reference to the above will the Hon'ble Minister be pleased to state what is the reason for the Collector of Tippera sending a supplementary indent for further forms though it is said that the first supply of forms has been received in November 1936? Is this not inaccurate?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Perhaps the forms were found insufficient.

Removal of the headquarters of the Madaripur subdivision.

***406. Babu PATIRAM ROY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is in the contemplation of Government to shift the headquarters of the Madaripur subdivision?

(*b*) If so, to what place, and for what reasons?

(*c*) Whether there was any report by any Engineer to shift the headquarters to Chikandi?

(*d*) Whether any inquiry was made as to the feasibility of making Chikandi the headquarters?

(*e*) Whether any survey was made and land acquired at Chikandi?

(*f*) Whether it is a fact that Chikandi is more centrally situated than any other site?

(*g*) Whether any expert opinion was taken to show that Chikandi is healthier than the Madaripur site?

(*h*) The distance of the proposed site from the nearest river and the name of that river?

(*i*) Whether it is a fact that expert Engineers are of opinion that the river Arialkhan is likely to recede further and endanger the proposed site?

(*j*) Are the Government considering the desirability of constituting a small Committee of local men to investigate into the question with a view to making suggestions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) It has been decided to shift the headquarters to Sakuni, a village about 1 mile from the existing headquarters, as the public buildings are threatened owing to erosion by the river Arialkhan.

(*c*) No.

(*d*) and (*e*) Inquiry was made but no land was acquired.

(*f*), (*g*) and (*i*) No.

(*h*) About one mile from the river Arialkhan.

(*j*) The new site has been selected by a duly constituted site selection Committee and it is not proposed to appoint another Committee.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state when was the Committee constituted and who constituted the Committee, and what are the names of the members of that Committee?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Detenus of Noakhali.

407. Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*a*) the names of detenus, resident of the district of Noakhali, who have not been released yet;

(*b*) the places of the detention;

(*c*) the present state of the health of each; and

(*d*) whether Government are contemplating their release at an early date?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*c*) The information is not readily available and cannot be compiled without an expenditure of time, labour and expense which Government regret they are unable to undertake.

(*d*) Does not arise.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether the detenus resident in the district of Noakhali have their names filed in the I. B. Department?

The Hon'ble Khwaja Sir NAZIMUDDIN: No; the names of the detenus are not recorded district by district

Appointment of Certificate Officer for recovery of rents to private estates in Tippera.

***408. Maulvi JONAB ALI MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that in exercise of the power conferred by sub-section (3) of section 158A of the Bengal Tenancy Act (1885), the Certificate Officer of Tippera has, very recently, been appointed to perform the functions of Certificate Officer under the Public Demands

Recovery Act, 1913, for the recovery of arrears of rent (with cesses) due to some private estates situated in the district of Tippera?

(*b*) If the answer to (*a*) is in the affirmative, what are those private estates and when was the notification to that effect published?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) A copy of the notification, containing the names of the private estates, which was published in the *Calcutta Gazette* of the 10th March, 1938, is placed on the table.

Notification referred to in the reply to clause (b) of starred question No. 408.

Calcutta Gazette, March 10, 1938

(Part I, page 465.)

REVENUE DEPARTMENT.

Land Revenue.

NOTIFICATION.

Tippera.—No. 4715L.R.—7th March, 1938.—In exercise of the power conferred by sub-section (*3*) of section 158A of the Bengal Tenancy Act, 1885 (Act VIII of 1885), the Governor is pleased to appoint, for the purposes of the said section, the Certificate Officer, Tippera (*ex-officio*), to perform the functions of a Certificate Officer under the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913), for the recovery of arrears of rent (including cesses) due to the following estates situated in the district of Tippera:—

Estate of late Govinda Sundar Sinha Choudhury.

Estate of Lala Rajendra Kumar Bose, Srinagar, Dacca.

Estate of Babu Dwijesh Chandra Roy Choudhury, Dhankora estate No. II.

Estate of Babu S. C. Ghosh Maulik.

Estate of Babu Arun Chandra Sinha.

Estate of Rai Sahib Atul Krishna Roy Choudhury of Laksam.

Estate of Lala Brojendra Kumar Bose, Srinagar, Dacca.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that while this Assembly has been insistently demanding the withdrawal of certificate power from private zemindars as well as the Court of Wards, the Government Department have been secretly issuing permission for further increasing this power in the hands of private zemindars?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no question of secrecy; it is a statutory right which cannot be denied.

Direct recruitments of Head Masters and Assistant Head Masters in 1937.

***409. Mr. DHIRENDRA NATH DATTA:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether four direct appointments to the post of Assistant Head Master and two direct appointments to the post of Head Master were made in the year 1937?

(b) If the reply to (a) is in the affirmative, whether these appointments were in conformity with the rules as published in the Bengal Education Code of 1931, relating to such appointments?

(c) If not, are the Government considering the desirability of taking steps to prevent the recurrence of such cases of breach of the rules in future?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Yes.

(b) Recruitment in all these cases has been made in conformity with the rules now in force.

(c) Does not arise.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that there is a departmental rule promulgated in 1931 that one permanent vacancy in every five in the post of headmasters of High Schools shall be filled by selection, provided persons possessing suitable qualifications can be obtained——

Mr. SPEAKER: I do not want to stop you, but I am afraid you are reading from a circular which is no longer in force.

Mr. DHIRENDRA NATH DATTA: So far as I know, Sir, this rule is still in existence and I submit that there has been a breach of the rule in the present case.

Mr. SPEAKER: I think Mr. Datta, your question ought to have been whether the rule that you are now quoting is still in force in 1938.

The Hon'ble Mr. A. K. FAZLUL HUQ: We have followed the rule now in force, as I have already said.

Mr. DHIRENDRA NATH DATTA: In view of that fact that this rule is still in force may I ask whether the present case is not a breach of these rules?

Mr. SPEAKER: I could not understand your first question. Will you please state it again?

Mr. DHIRENDRA NATH DATTA: The first question is as regards the rule whereby one permanent vacancy in every five to the post of headmasters shall be filled by selection——

Mr. SPEAKER: What is the date of the circular you are quoting from?

Mr. DHIRENDRA NATH DATTA: From the Education Code, 1931.

Mr. SPEAKER: In that case I think you had better ask whether that rule is still in force.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the position is this. In the Code of 1931 there is a rule like that which has just been read out, but the appointments to which reference has been made in the question were made in conformity with the rules which are now in force, which are, however, slightly different from what they were in 1931.

Mr. DHIRENDRA NATH DATTA: When were the rules changed then?

The Hon'ble Mr. A. K. FAZLUL HUQ: The rules were changed gradually; I cannot say exactly when. The only thing that I can do is to make a general statement that the rules have been changed to make it more elastic for the appointing officer not to insist upon particular qualification of any kind; other considerations also were to be taken into account.

Mr. DHIRENDRA NATH DATTA: It appears then, Sir, that the rule of 1931 has been codified in the Bengal Education Code, but how-[illegible] we to know that?

The Hon'ble Mr. A. K. FAZLUL HUQ: They will be found in the correction slips issued for the New Code.

Grant-in-aid to the non-Government Muslim girls' schools in the Presidency and Burdwan Divisions.

***410. Mr. M. A. H. ISPAHANI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the Presidency and Burdwan Divisions including Calcutta—

(*i*) what are the heads under which the non-Government primary and secondary girls' schools receive Government grants;

(*ii*) how much of these Government grants under different heads do the non-Government primary and secondary Muslim girls' schools receive;

(*iii*) what were the "annual savings" under the primary and secondary heads out of the Government grant-in-aid that were placed under the disposal of the Inspectress of Schools during the last five years; and

(*iv*) how much of these "annual savings" were given to the non-Government Muslim girls' schools under the primary and secondary heads by the said Inspectress of Schools during the last five years?

(*b*) Is the Hon'ble Minister aware that K. A. B. Suhrawardy Begum Memorial Muslim Girls' School is the only non-Government Muslim girls' school in the whole of the Presidency and Burdwan Divisions including Calcutta which receives recurring Government grant-in-aid under the secondary head?

(*c*) If the answer to (*b*) is in the affirmative, why the other non-Government Muslim girls' schools in the said divisions do not receive any recurring Government grant-in-aid under the secondary head?

(*d*) Is it not a fact that there are some non-Government Muslim girls' schools in the said divisions who have middle English sections but they do not receive any recurring Government grant-in-aid under the secondary head?

(*e*) How much grant does the Nari Siksha Samity receive from the Government for distributing grants to the girls' schools in the rural area?

(*f*) How much of this grant is given to the Muslim girls' schools in the said area?

(*g*) What are the names and addresses of the Muslim girls' schools who receive grants from the said Samity?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Non-Government primary and secondary girls' schools receive Government grants out of the provisions under the head "Direct grants to non-Government primary schools—Recurring (voted)" and "Direct grants to non-Government secondary schools—Recurring (voted)," respectively.

(*ii*) There are 36 non-Government Muslim girls' primary schools in the Presidency and Burdwan Divisions including Calcutta which are in receipt of maintenance grants of Rs. 15,696 annually out of the allotment of Rs. 97,000 placed at the disposal of the Inspectress of Schools, Presidency and Burdwan Divisions, under the head "Direct grants to non-Government primary schools—Recurring (voted)" and one secondary Muslim school for girls receives Rs. 3,600 annually out of the allotment of Rs. 1,49,160 placed at the disposal of the Inspectress of Schools, Presidency and Burdwan Divisions, under the head "Direct grants to non-Government secondary schools—Recurring (voted)."

(*iii*) and (*iv*) The annual savings under the heads "Direct grants to non-Government primary and secondary schools" for girls during the last five years and the distribution of the same to the non-Government Muslim girls' schools (primary and secondary) are furnished in the statements placed on the table.

(*b*) Yes.

(*c*) Besides the K. A. B. Suhrawardy Begum Memorial Girls' School there is only one non-Government secondary school for Muslim girls, namely, the M. A. O. Girls' School at 168/1, Lower Circular Road, Calcutta. A recurring grant of Rs. 300 a month has been recommended for this institution and the case is under reconsideration of the Director of Public Instruction, Bengal.

(*d*) There are 4 non-Government Muslim girls' schools in the Presidency and Burdwan Divisions including Shamseah Zenana Madrasah which have been permitted to open middle school classes but owing to paucity of funds no Government recurring grants have yet been sanctioned for these schools out of the allotment under the head "Direct grants to non-Government secondary schools." A recurring grant of Rs. 150 a month for each of these schools has been recommended and their cases are under consideration of the Director of Public Instruction, Bengal.

(*e*) The Nari Siksha Samity receives a recurring grant of Rs. 6,500 annually from Government for aiding girls' schools in rural areas of Bengal. The grant is paid to the authorities of the Nari Siksha Samity from the office of the Director of Public Instruction, Bengal.

(*f*) Rs. 350 for one Muslim girls' school.

(*g*) Keshobpur Mollapara Girls' School, post office Domjur, district Howrah.

Statements referred to in the reply to clauses (a)(iii) and (iv) of starred question No. 410.

DISTRIBUTION OF SAVINGS FOR THE LAST 5 YEARS, I.E., FROM 1932-33 TO 1936-37.

Secondary.

Year.	Amount of savings from secondary allotment				Amount of savings distributed to		
	Out of cut from non-Moslem school grants	Out of cut from Moslem school grants	Out of lump grants sanctioned by Director of Public Instruction.	Total	Non-Moslem schools.	Moslem schools.	Total.
	Rs. a.	Rs. a.	Rs. a.	Rs. a.	Rs. a	Rs. a	Rs. a.
1932-33 ..	1,186 0	1,012 0		2,198 0	2,198 0	.	2,198 0
1933-34 ..	1,372 0	235 0		1,607 0	1,445 0	162 0	1,607 0
1934-35 ..	713 0	87 0	250 0	1,050 0	1,050 0		1,050 0
1935-36 ..	1,030 6	480 0	1,488 0	2,998 6	2,490 6	508 0	2,998 6
1936-37 ..	788 0		540 0	1,328 0	648 0	780 0	1,328 0

Primary.

Year.	Amount of savings from primary allotment			Amount of savings distributed to		
	Out of cut from non-Moslem school grants	Out of cut from Moslem school grants.	Total.	Non-Moslem schools	Moslem schools	Total
	Rs. a.	Rs. a	Rs a.	Rs a.	Rs. a.	Rs a.
1932-33	974 1	14 0	988 1	720 0	250 0	970 0
1933-34 .. .	663 3	150 13	814 0	602 0	212 0	814 0
1934-35	1,117 0	..	1,117 0	822 0	295 0	1,117 0
1935-36	1,347 0	34 0	1,381 0	926 0	455 0	1,381 0
1936-37	1,391 11	160 3	1,551 14	1,181 14	370 0	1,551 14

Dr. NALINAKSHA SANYAL: May I suggest that the questions that have been printed and placed on the table be finished first?

Mr. SPEAKER: I cannot take up questions after the first ho of the meeting, but I shall try to accommodate them at some tir other than the first hour.

Accommodation of Hindu girls in non-Hindu homes and refuges.

*411. **Mr. NARENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that Hindu girls and women are accommodated in non-Hindu homes and refuges (generally Christian) by Government officials; and

(*ii*) that the Hindu Abala Ashram offered to the Police as well as other Government agencies to accommodate all such women?

(*b*) If the answers to (*a*) (*i*) and (*ii*) are in the affirmative, will the Hon'ble Minister be pleased to state reasons for accommodating of Hindu females in non-Hindu homes and refuges?

(*c*) Is the Hon'ble Minister aware that the Hindu Mahasabha has repeatedly written to the Commissioner of Police, Calcutta—

(*i*) objecting to their policy of keeping Hindu girls, women and orphans in non-Hindu homes; and

(*ii*) pressing the authorities to place them in homes and organisations managed by Hindus?

(*d*) Will the Hon'ble Minister be pleased to state the reasons for not complying with the request of the Hindu Mahasabha?

(*e*) Does the Hon'ble Minister consider it desirable to issue instructions to the Police and other Government officials to hand over Hindu girls to Hindu institutions?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*b*) While cases are pending in Court Hindu girls are kept in the Rescue Home maintained by Government. Food is cooked there by a Brahmin. After the disposal of cases they are sent either to the Govinda Kumar Home at Panihaty or the Bengal Women's Industrial Home at Dum-Dum. Both of these homes are purely Hindu and are recognised by Government. In a few cases where girls are below 6 or over 14 or are otherwise unsuitable for custody in the Rescue Home, they are sent to the Salvation Army Home where separate arrangements exist for food and worship for Hindus.

The Abala Ashram is not a recognised home and has not been considered suitable for recognition.

(*c*) I have no information.

(*d*) Does not arise.

(*e*) In view of the reply to clauses (*a*) and (*b*), this does not arise.

Mr. NARENDRA NATH DAS GUPTA: Why has not the Hon'ble Minister considered the Abala Asram suitable for recognition

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say off-hand but I shall look into it.

Mr. NARENDRA NATH DAS GUPTA: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether he tried to elicit information from the Commissioner of Police?

The Hon'ble Mr. A. K. FAZLUL HUQ: If the Abala Asram comes up with an application for recognition, I am prepared to consider that application sympathetically.

Chani-made oil industry of Bengal.

*412. **Maulvi AZHAR ALI:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that over 20 lakhs of people of Bengal follow the profession of preparing pure oil for human consumption from oil seed by country-made *ghani* of wooden frames;

(*ii*) that this is the only profession to earn their livelihood; and

(*iii*) that this indigenous cottage industry for supplying pure oil for human consumption is sooner or later going to be destroyed and ruined for want of Government protection against the competition of mill owners supplying food oil at a cheaper rate in the market?

(*b*) If the answers to (*a*) are in the affirmative, do the Government propose taking measures for the protection and improvement of this cottage industry of the Province?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) (*i*) The census of 1931 registered 33,934 persons employed in the manufacture of oil by country-made *ghani*.

(*ii*) Not all of these, but only *Telis*, have no other employment

(*iii*) The industry has suffered chiefly owing to the competition of mill-manufactured oil imported from the United Provinces. Bengal produces insufficient mustard and her supply has to be supplemented by mustard seeds imported from the United Provinces. The cost of freight is ·48 pie per mile per three maunds of seed. Three maunds of seed produce one maund of oil the freight on which is only ·25 pie per mile. The local manufacturers are therefore at a disadvantage.

(*b*) The Director of Agriculture is endeavouring to improve the quality of mustard grown in Bengal. Increased output would follow on improvement. The question of protection from the competition of

imported oil concerns the Commerce Department. The question of prevention of adulteration concerns the Public Health Department.

President of the Baidyanathpur Union Board in Khatra, Bankura.

***413. Srijut MANINDRA BHUSAN SINHA:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact—

(*i*) that Babu Ramdhan Mandal is now occupying the office of the President of the Baidyanathpur Union Board in thana Khatra in the district of Bankura;

(*ii*) that the gentleman is neither elected nor appointed to the said office;

(*iii*) that the matter was brought to the notice of the local authorities and of the Chairman, District Board;

(*iv*) that the Chairman, while inspecting the office of the said Union Board, made a note of it in his inspection remarks; and

(*v*) that the President of the Union Board, Babu Jogendra Nath Mandal, made over the Common Seal of the Union Board and other papers and documents of that Board to the said Babu Ramdhan Mandal at the instance of the Circle Officer, Khatra?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the desirability of taking immediate steps in the matter?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) (*i*), (*iii*) and (*iv*) Yes.

(*ii*) He was chosen to preside at the meeting of the Board under rule 12 of the Rules regulating the conduct of meetings of Union Boards, a copy of which is laid on the table.

(*v*) and (*b*) The Common Seal and other papers and documents were made over by the President to Babu Ramdhan Mandal.

Rule referred to in the reply to clause (a) (ii) of starred question No. 413 regarding the conduct of meetings of Union Boards, etc.

12. The president, or, in his absence, the vice-president (if any) shall preside at every meeting, and, in the absence of both the president and the vice-president, the members shall choose some one of their number to preside:

Provided that the provisions of this rule and of rule 11 shall not apply to a meeting convened for electing a president or a vice-president.

*Srijut **MANINDRA BHUSAN SINHA:** Will the Hon'ble Minister be pleased to state under what section of the Bengal Village Self-Government Act the President could make over the common seal of the Union Board to a person who had neither been elected nor nominated to the Board?

The Hon'ble Mr. SYED NAUSHER ALI: The facts are somewhat peculiar. Both the President and the Vice-President were arrested for misappropriation of the Union Board fund and for the falsification of the records of the Union Board office. Consequently when they were under arrest, the President perhaps made it over to him. There might have been a technical objection.

Realisation of fees for X'Ray examination in Government hospitals.

*414. **Maulvi MD. ABDUS SHAHEED:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the rate of fees realised from the outdoor and indoor patients for the X-Ray examination in the different Government hospitals;

(*ii*) how much of these collections goes to the Government and how much is paid to the Medical Officers; and

(*iii*) whether these Medical Officers while in charge of the X-Ray examination draw their full salaries and allowances?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, what are the reasons of the major portion of the receipts to these officers?

(*c*) Are the Government considering the desirability of reducing these rates and revising the system of division of the profits between the Government and the Medical Officers?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) (*i*) A statement is laid on the Library table.

(*ii*) In the Government hospitals the whole of the fees realised from out-patients, in-patients and cabin patients are credited to Government with the exception of the Woodburn Ward in the Presidency General Hospital where the patients are treated as private patients of the Hony. Radiologist. In State hospitals other than the Mitford Hospital, Dacca, 4 per cent. of the fees realised by the Radiologist in private cases is credited to Government, while in the Dacca Hospital 5 per cent. of the fees is credited to Government.

(*iii*) The Radiologists attached to the different hospitals in Calcutta are honorary men and are not in receipt of any pay or allowances. The

Radiologist at Dacca is a salaried officer of the Bengal Medical Service.

(*b*) In the Mitford Hospital where the Radiologist is salaried, 95 per cent. of the fees earned in private cases is paid to the Radiologist as he is entitled to undertake private specialist practice and 5 per cent. is realised to cover the expenditure to which Government are put in running the X-Ray apparatus. The Radiologist supplies all materials —plates, films and photographic materials for his private cases.

(*c*) The proposal for revision for existing scales of fees and distribution of fees received from private patients between Government and the Radiologist are under my consideration.

Date of the next General Election of the Bogra Municipality.

*415. **Maulvi MUHAMMAD ISHAQUE:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*a*) on what date the next General Election of the Bogra Municipality falls due;

(*b*) if the date has already been fixed;

(*c*) if there has been a delay in fixing the date, the reasons for such delay; and

(*d*) the date on which the present Board was reconstituted?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) The 8th June, 1938.

(*b*) and (*c*) The attention of the member is invited to the Government notification No. 798-M., dated the 3rd March, 1938, a copy of which is laid on the table.

(*d*) The 8th June, 1934.

Notification referred to in the reply to clause (b) and (c) of starred question No. 415.

NOTIFICATION.

Bogra.—No. 798M.—3rd March 1938.—In exercise of the power conferred by sub-section (*5*) of section 56 of the Bengal Municipal Act, 1932 (Bengal Act XV of 1932), the Governor is pleased to extend the term of office of the Commissioners of the Bogra Municipality for the period commencing from the date of expiry of the term of four years provided by clause (*a*) of sub-section (*1*) of the said section and ending on the 31st October 1938, the special circumstances in which it has been

thought fit to extend the said term of office being that 7th April 1938 was fixed as the date for the general election of Commissioners of the Municipality but the holding of the election on that date will involve an infringement of the Municipal Election Rules, which require that the electoral roll should be prepared on the basis of qualifications acquired during the preceding financial year under section 23 (*2*) (*iii*) (*c*), (*b*) and (*c*) of the Bengal Municipal Act, and that the preliminary electoral roll must be published at least 150 days before the general election.

By order of the Governor,

Sd. G. S. DUTT,

Secretary to the Government of Bengal.

Khan Bahadur MOHAMMED ALI: Who is the proper authority to fix the date?

The Hon'ble Mr. SYED NAUSHER ALI: The date is fixed, I understand, by the District Magistrate.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state why the District Magistrate fixed the 7th of April for election in contravention to the election rule?

Mr. SPEAKER: That question does not arise.

Khan Bahadur MOHAMMED ALI: It has been mentioned in the notification, Sir, that the date was 7th April 1938.

The Hon'ble Mr. SYED NAUSHER ALI: That was perhaps a mistake, but I am not sure.

Employment of Bengalis in the constructional works of the New Howrah Bridge.

***416. Mr. SASANKA SEKHAR SANYAL:** (*a*) Is the Hon'ble Minister in charge of Communications and Works Department aware—

(*i*) that Messrs. Cleveland Bridge and Engineering Co., Ltd., have got the contract of construction of the New Howrah Bridge;

(*ii*) that before the said contract was disposed of, a memorial was submitted by the Secretary to Bengal Unemployed Youths' Union to His Excellency the Governor on the 24th July, 1935, suggesting that the Government should make it one of the conditions for the acceptance of tenders submitted

by different nationalities that the selected tenderers should employ in their staffs as many youths of this Province as possible and also offer opportunities to a few thousand more Bengali youths for training in constructional works as apprentices; and

(*iii*) that in reply to the said memorial of the 24th July, 1935, the Private Secretary to His Excellency wrote to say that the said Union might be assured that the considerations which they advanced would be given full weight?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the said assurance was acted upon at the time of giving the contract?

(*c*) Is the Hon'ble Minister aware that a very large number of appointments have been made and are going to be made by the said firm of contractors in connection with the said Bridge Construction Work to the posts of Engineers, Supervisors, Overseers, Sub-overseers, Surveyors, Draftsmen, Electrical and Mechanical Operators, Mistries, Accountants, Clerks, etc.?

(*d*) Has the Hon'ble Minister enquired of the said Messrs. Cleveland Bridge and Engineering Co., Ltd., as to—

(*i*) whether applications were invited by advertisement;

(*ii*) how many appointments have been made up to date to each kind of the posts referred to above;

(*iii*) how many of the appointments made have gone to the Bengalis and to which posts;

(*iv*) how many candidates for those appointments were Bengalis; and

(*v*) how many vacancies still remain to be filled up and how many candidates for the same are Bengalis?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to lay a statement of the above on the table?

(*f*) Has the Hon'ble Minister considered the desirability of urging upon the said firm of contractors to appoint Bengalis alone to the vacant posts?

(*g*) If so, what steps, if any, has the Hon'ble Minister taken in the matter?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) and (*iii*) Yes.

(*ii*) Yes. The memorial is dated the 19th July, 1935.

(*b*) Copies of the memorial and of the reply given by the Private Secretary to His Excellency the Governor was duly forwarded to the

Commissioners for the New Howrah Bridge. The contract was accepted not by Government but by the Commissioners in exercise of their powers under section 5 of the Howrah Bridge Act, 1926.

(c) I have no information.

(d) No.

(e) Does not arise.

(f) and (g) Government have no power to interfere in the matter of appointments made by the firm of contractors. I understand, however, that they are willing to give preference to Bengalis, other things being equal.

Mr. SASANKA SEKHAR SANYAL: Is it possible for the Hon'ble Minister to exercise his influence as Minister in order to see that the previous understanding be given effect to?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: That is actually what was done by me, and I got the assurance as stated in the reply (f) and (g).

Detenu Gour Chandra Dass.

***417. Mr. CHARU CHANDRA ROY:** (a) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether it is a fact that detenu Gour Chandra Dass at present interned in some village in the district of Nadia got permission from the Government of Bengal to appear in the Revenue Agentship Examination provided he was permitted by the District Magistrate of Dacca?

(b) Is it a fact that he applied to the District Magistrate of Dacca on the 21st June, 1937, for the said permission through the District Intelligence Branch, Dacca?

(c) Is it a fact that the District Intelligence Branch, Dacca, did not forward the application to the District Magistrate, but the Additional Superintendent of Police, District Intelligence Branch, Dacca, passed orders on the said application and rejected the prayer?

(d) If the answers to clauses (a) to (c) are in the affirmative, will the Hon'ble Minister be pleased to state the reason for not forwarding the petition to the District Magistrate of Dacca, and passing orders on the application meant for the District Magistrate by the Additional Superintendent of Police of District Intelligence Branch?

(e) Do the Government contemplate permitting the detenu to appear in the Revenue Agentship Examination?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No.

(*b*) Yes.

(*c*) No. The application was rejected after consultation with the District Magistrate.

(*d*) Does not arise.

(*e*) There is nothing to prevent the grant of a future application if the detenu's conduct is satisfactory.

Mr. CHARU CHANDRA ROY: In view of the fact that the application was addressed to the District Magistrate, why was the order passed by the Additional Superintendent of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because according to the rules it is the Superintendent of Police who passes such orders.

Mr. CHARU CHANDRA ROY: Is it a fact that in 1935 this detenu, Gour Chandra Das, got permission from Government for appearing in the Mukteership examination?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is not correct, because Government have no right to give permission to appear at any examination.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister be pleased to explain how the question of a detenu's conduct comes in in connection with the question of his appearing at an examination?

The Hon'ble Khwaja Sir NAZIMUDDIN: If a man applies, it means that certain conditions have got to be satisfied as to whether he should be allowed or not.

Mr. ATUL KRISHNA GHOSE: Is it not a fact that when a detenu is a candidate for an examination, he is well-guarded by police officers? If so, how can the question of his conduct come in?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is not the conduct in the examination room that is concerned.

Mr. ATUL KRISHNA GHOSE: Am I to understand that it is the conduct of the detenu that is the determining factor as to whether he will be allowed to appear in the examination or not?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. ATUL KRISHNA GHOSE: Does the Hon'ble Minister mean by his answer "yes" that it is the personal conduct of the detenu or is it some breach of the discipline on the part of the detenu that brings a bar on him?

The Hon'ble Khwaja Sir NAZIMUDDIN: As long as he is under the Bengal Criminal Law Amendment Act, Government give permission provided his conduct is satisfactory.

Mr. SARAT CHANDRA BOSE: On what ground the application for permission to appear at the examination was rejected?

The Hon'ble Khwaja Sir NAZIMUDDIN: Government were satisfied that he was continuing his activities of terrorism——

Maulvi ABDUL BARI: It is time now, Mr. Speaker, Sir, for *Asar* prayer.

Mr. SPEAKER: I think, it will be better if members will wait for a few minutes more by which time the starred questions will be finished. I will adjourn the House immediately after that.

Protective duty on the Indian Salt Industry.

*418. **Mr. DHIRENDRA NATH DUTTA:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether it is a fact—

(*i*) that the protective duty on the Indian Salt Industry is due to expire in April next; and

(*ii*) that the protective duty on the Indian Salt Industry was imposed for the growth of salt industry in Bengal?

(*b*) If the answers to (*a*) are in the affirmative, do the Government consider the desirability of immediately recommending to the Government of India, the retention of the protective duty raising the duty to the original level of 4 annas 6 pies per maund and granting the protection for at least a period of seven years for the growth of salt industry in Bengal?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) (*i*) The life of the Salt (Additional Import Duty) Act, 1931, as last extended, will expire on 30th April, 1938.

(*ii*) The Salt Industry Committee of the Indian Legislative Assembly recommended the additional duty, in 1931, with the object

of stabilising the price of salt and encouraging the production from Indian sources (including Aden) of a sufficient quantity of that quality of salt which was imported from foreign countries overseas for consumption in the markets of Bengal, Bihar and Orissa and Assam.

(*b*) The matter is under consideration.

Debt Settlement Boards of Comilla.

*419. **Maulvi JONAB ALI MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing up to 31st January, 1938—

(*i*) how many appeals have been instituted before the special appellate officer of Debt Settlement Boards of Comilla against the orders and awards of the Special Boards;

(*ii*) how many of those appeals were rejected under section 40 (*4*) of the Bengal Agricultural Debtors Act;

(*iii*) how many of those were contested under section 40 (*5*) of the Act;

(*iv*) how many of those were ordered in favour of the appellants by the modification of the awards or orders of the Special Boards concerned; and

(*v*) in how many of those cases the appellants were creditors?

(*b*) Will the Government be pleased to state whether the District Judge of Comilla has ever inspected the works of this special Appellate Officer? If so, what is the last date?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) 6.

(*ii*) Nil.

(*iii*) 4.

(*iv*) 3.

(*v*) 6.

(*b*) No.

Extension of service of Rai Sahib S. C. Chose, Bengal Drawing Office.

*420. **Maulvi ABDUL WAHAB KHAN:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the number of times and period for which, at each time, extensions of service were granted to Rai Sahib S. C. Ghose, Assistant Officer in charge of the Bengal Drawing Office?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: First extension to Rai Sahib S. C. Ghose was for a year and the second extension since granted is for six months only.

Khas mahal areas of Midnapore.

***421. Mr. ISWAR CHANDRA MAL:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) whether in connection with his visit to Contai on the 22nd January, 1938, he made a declaration of the policy of Government regarding enhancement of rent as a result of the Revisional Settlement of the *khas mahal* areas of the district of Midnapore;

(*ii*) whether he made an announcement or declaration—

(1) that rent would be realised at the old rate on old rent roll,

(2) that the settlement operations as regards enhancement of rent would be suspended and kept in abeyance, and

(3) that the enhanced portion of rent would not be collected and all enhancement made in all the *tauzis* in the district of Midnapore managed or held direct by Government would be commuted;

(*iii*) whether the Collector was authorised to give remissions of rent to the tenants from this year?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, are being taken to give effect to such declarations of policy?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Paragraph 1 of the Government communique, dated the 31st March, 1938, gives a correct summary of the announcement I made at the time.

(*b*) Local officers have been duly instructed to give effect to this decision.

Mr. NIKUNJA BEHARI MAITI: Will the Hon'ble Minister be pleased to supply a copy of the communique?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It has already been published in the "Calcutta Gazette" and I understand copies of the Gazette are supplied to honourable members.

Mr. NIKUNJA BEHARI MAITI: With reference to answer (*b*), in view of the fact that no instruction has been received by the

Contai Khasmahal officer up till now, what steps Government propose to take in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no reason to assume that the local officers will not carry out the directions of Government.

The House was then adjourned for 10 minutes.

(After Adjournment.)

Establishment of the Bengal Government Press.

***422. Mr. MD. MOHSIN ALI:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) what is the number of Muslims and non-Muslims in the following sections of the Bengal Government Press—

(1) Establishment and Publication Branch,

(2) Roll Keeper staff,

(3) Supervising staff,

(4) Reading Branch,

(5) Lino Operators,

(6) Mono Operators,

(7) Lino Apprentices,

(8) Mono Apprentices,

(9) Section Holders,

(10) Assistant Section Holders,

(11) Overseers, and

(12) Composing Sections (A to F);

(*b*) whether it is a fact that a majority of non-Muslims have been appointed as apprentices during the last 5 years;

(*c*) whether the Government are considering the desirability of providing the non-Muslims apprentices in Machine and Binding sections and appointing Muslims on the prescribed pecentage in Lino, Mono, Reading and other sections; and

(*d*) whether the Government contemplate—

(1) appointment of Muslims to the posts of Lino and Mono operators recently vacated by the death of two operators, and

(2) removal of the system of cutting subscription from pay of the said Bengal Government Press Sports Club?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) A statement is laid on the table.

(*b*) Yes.

(*c*) I am afraid that immediate transfers are out of the question, but I am looking into the apprenticeship system generally with a view, among other things, to safeguard the interests of the various communities.

(*d*) (1) I understand that this is not possible because neither of Muslim apprentices has yet had sufficient experience.

(2) No. As I have explained before, my information is that the subscriptions are paid voluntarily.

Statement referred to in the reply to clause (a) of starred question No. 422.

		Muslim.	Non-Muslim.
1.	Establishment and Publication Branch ..	14	53
2.	Time-keeping staff	Nil	5
3.	*Supervising staff	..	..
4.	Reading Branch	5	62
5.	Linotype Operators	2	25
6.	Monotype Operators	Nil	7
7.	Linotype apprentices	2	5
8.	Monotype apprentices	Nil	4
9.	Section-holders	Nil	11
10.	Assistant Section-holders	Nil	16
11.	Overseers	Nil	2
12.	Composing sections (A to F)	46	107

*Item No. 3.—Supervising staff is shown in detail in items Nos. 9, 10 and 11.

Introduction of Local Board in Jalpaiguri Sadar subdivision.

***423. Khan Sahib Maulana AHMED ALI ENAYETPURI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether the Local Board has been introduced over the whole area of the Sadar subdivision in the district of Jalpaiguri?

(*b*) If the answer to (*a*) is in the negative, will the Government state what area or thanas still remain excluded?

(*c*) What are the reasons for the exclusion?

(*d*) What are the reasons for according differential treatment between the people in the excluded area and those of the tea gardens area in the matter of franchise?

(*e*) What steps do Government propose taking for conferring this right upon the people in the excluded area?

(*f*) Is it a fact that Government carried on a survey in connection with the establishment of Agricultural Debt Settlement Boards in the above area?

(*g*) If so, what are the results thereof?

(*h*) Are the Government considering the desirability of taking the survey result in the matter conferring franchise right on the people of the said area?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) and (*f*) No.

(*b*) The excluded area consists of the police-stations of Mal, Matelli and Nagrakata.

(*c*) to (*e*) Unlike the rest of the subdivision, this area comprises forests and tea gardens with scattered habitations and sparse population and as such is not yet considered suitable for the introduction of local self-governing institutions.

(*g*) and (*h*) Do not arise.

Appointments made in the Forests and Excise Department since 1st April, 1938.

The Hon'ble Mr. PRASANNA DEB RAIKUT: With reference to starred question No. 158 put by Mr. Md Abul Fazl, M.L.A., to which an *ad interim* reply was given in the Assembly on the 4th March, 1938, a statement is laid on the Library table.

Number of ministerial posts in the Legislative Council Department.

***423A. Mr. DHANANJOY ROY:** Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to lay a statement on the table showing—

(*a*) the total number of ministerial posts both higher and lower in the Bengal Legislative Council Department; and

(*b*) the number of them that are held by—

(*1*) Caste Hindus;

(*2*) Muhammadan; and

(*3*) Scheduled castes?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*b*) A statement is laid on the table.

Statement referred to in the answer to clauses (a) and (b) of Starred Question No. 423A.

	Number of posts.	Caste Hindus.	Muhammadans.	Scheduled castes.
(1) Clerks ..	9	6	3	..
(2) Stenographers ..	2	2	..	..
(3) Typists	3	2	1	..
(4) Muharrir	1	1	..	..
(5) Record-supplier ..	1	..	..	1

Number of ministerial posts in the Bengal Legislative Assembly Department.

***423B. Mr. DHANANJOY ROY:** Will the Deputy Speaker of the Bengal Legislative Assembly, be pleased to lay a statement on the table showing:—

(*a*) the total number of ministerial posts both higher and lower in the Bengal Legislative Assembly Department; and

(*b*) the number of them that are held by—

(*1*) Caste Hindus;

(*2*) Muhammadans;

(*3*) Scheduled castes; and

(*4*) Indian Christians?

Mr. M. ASHRAF ALI: (*a*) and (*b*) A statement is laid on the table.

Statement referred to in the answer to starred question No. 423B showing total number of ministerial posts both higher and lower in the Bengal Legislative Assembly Department.

Total posts—43.

Number of posts.	Held by—				Vacancies not yet filled up.
	Caste Hindus.	Muslims.	Scheduled caste.	Indian Christians.	
43	17	17	1	1	7

Traffic of control at the Sadarghat and Katgolaghat in Burdwan.

***423C. Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister-in-charge of the Home (Police) Department be pleased to state why there is no police arrangement to control traffic at the Sadarghat and Katgolaghat in Burdwan?

(*b*) Is it a fact that—

(*i*) there prevails heavy obstruction with carts; and

(*ii*) that no action has been taken on the public appeal in the matter?

(*c*) Are the Government considering the desirability of taking steps in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information is being collected and will be supplied to the hon'ble member as soon as it is available.

Bus Service between Regent Park and Dakshineswar.

***423D. Mr. SATYA PRIYA BANERJEE:** (*a*) Is the Hon'ble Minister-in-charge of the Home (Police) Department aware that there is no regular Bus Service running between the Regent Park (south of Tollygunge Tram Depôt) and Dakshineswar (near the Bally bridge)?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of according their sanction to the proposed extension of Route 4 and 4A at an early date?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) The matter is under examination.

"Poor Fund" in the Police Department.

***423E. Babu RADHA NATH DAS:** Will the Hon'ble Minister-in-charge of the Home (Police) Department be pleased to state—

(*a*) That there is a fund in the name of "Poor Fund" in the Police Department?

(*b*) If so, what acts of charity and other beneficent acts are done with the said fund?

(*c*) Is there any account kept regularly of the said fund?

(*d*) If so, will the Hon'ble Minister be pleased to lay on the table a statement of the account?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) to (*d*) The information is being collected and will be supplied to the hon'ble member as soon as it is available.

Motion for Adjournment.

Mr. SURENDRA MOHAN MAITRA: Sir, my matter was not finally disposed of the last day. May I renew my motion for leave?

Mr. SPEAKER: I have since then considered this matter, and while any matter which the subject matter of judicial proceeding is not in order, I cannot say the other portion is not in order. I therefore consider that the motion is in order and I will put it to the House.

Leave has been asked by Mr. Surendra Mohan Maitra to move an adjournment motion, namely, that the business of the House be adjourned for the purpose of discussing a matter of definite and public importance, namely, the situation arising out of allowing of two carnivals in the town of——

Dr. NALINAKSHA SANYAL: On a point of order, Sir, I understand that the hon'ble member has not moved for leave of the House. He has only wanted information on this question from the Hon'ble Minister.

Mr. SPEAKER: Mr. Maitra, are not you going to press it?

Mr. SURENDRA MOHAN MAITRA: No, Sir, I do not press it.

Mr. SPEAKER: Then it is quite unnecessary to put it to the House. It is only unnecessary waste of time.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I have got your consent to ask for leave of the House to move an adjournment motion.

Mr. SPEAKER: I received notice of two motions, one from Mr. Tamizuddin Khan and another from Mr. Hashemy. Mr. Tamizuddin Khan's motion is almost identical.

Sir Bijoy, have you got anything to say on Mr. Tamizuddin Khan's motion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I object to the admission of this adjournment motion on the ground that this matter was specifically raised and discussed in this House on the 11th March in connection with the demands for grant of the Revenue Department, and the House rejected the cut motion. So, only very recently

this question was raised and discussed and the House gave its decision. So it cannot be raised again within so short a time as an urgent matter of public importance.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. This motion was not debated in the House, and no decision was arrived at. The motion relates to the appointment of Sir Francis Floud. That is a matter of recent occurrence. On that the House did not give its opinion at all.

Dr. NALINAKSHA SANYAL: May I further point out, Sir, that in connection with the discussion on the budget cut motions there was a definite assurrance given by the Hon'ble the Chief Minister that they had not done anything in this connection at all, and at that stage we voted the budget? A new stage has now developed, and, Sir, this is a matter of great importance in view of the consequences that are likely to follow.

The Hon'ble Mr. A. K. FAZLUL HUQ: Did I say that nothing has been decided? I said that there will be a commission has been decided, that there will be an impartial Chairman has been decided. No name was discussed and no name was mentioned. No use saying that I gave a promise to that effect.

Mr. SANTOSH KUMAR BASU: On the statement of the Hon'ble the Chief Minister that no name was discussed it follows that this matter was never taken up during the budget discussion as has been pointed out by Sir Bijoy Prasad Singh Roy.

Mr. SYED JALALUDDIN HASHEMY: May I submit, Sir, in this connection that very recently two such adjournment motions were allowed by the Hon'ble President of the Indian Legislative Assembly? Sir, it is the question of the appointment of a so-called expert, and he is an outsider. My submission will be that it involves the principle of importing foreigners for our business, and also it involves heavy expenditure. Thirdly, Sir, my submission will be that our country is very poor and is not sufficiently well off to bear the expenses. Fourthly, Sir, my submission will be that in India and particularly in Bengal there is no dearth of eminent men to conduct the business of such examination.

Mr. SPEAKER: These are not matters with which I am concerned. I am only considering whether this is in order or not.

Mr. SYED JALALUDDIN HASHEMY: May I point out the proceedings of the Indian Legislative Assembly?

Mr. SPEAKER: No, that is not necessary. What I want to know is whether this will revive the discussion on a matter which has been discussed in the same session or not.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. The Hon'ble the Chief Minister himself has pointed out that no name was suggested in the discussion. The adjournment motion is about the appointment of Sir Francis Floud which is a matter of recent occurrence

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Hon'ble the Chief Minister and myself made it perfectly clear in our statements that Government had decided to appoint a Commission with an impartial Chairman and Mr. Majid, the mover of the cut motion, raised the very question mentioned by Mr. Hashemy in his speech, namely, whether a foreigner should be imported as Chairman. That was the identical question, the specific point raised by Mr. Majid in his speech. He said this "We are definitely of opinion that the Chairman of the Commission should not be imported from England". So on that point, Sir, the House gave its decision. (Rai HARENDRA NATH CHAUDHURI: Not at all.) So I venture to submit, Sir, that the matter formed the subject of the decision of the House only very recently, and it cannot be taken up again, by way of an adjournment motion.

Mr. SURENDRA NATH BISWAS: Sir, kindly allow me to read one sentence from the speech of the Hon'ble Mr. A. K. Fazlul Huq, page 183 of the Proceedings (Volume LII, No. IV, dated 11th March, 1938). These are the only two points:—

> "I can assure the House that the only thing that has been decided, up to the present moment, is that there should be a Commission empowered to make a comprehensive survey of the entire position affecting the various land laws of Bengal, and that at the head of this Commission should be an impartial Chairman not imbued with preconceived prejudices but able to bring an unprejudiced mind to bear on the various complicated questions that will arise for discussion and decision. These are the only two points that have been decided and even as regards the Chairman, we are prepared to accept suggestions from our friends in this House before we come to a final decision."

This was the assurance given by the Premier (hear, hear), and on that the House voted.

The Hon'ble Mr. A. K. FAZLUL HUQ: How do you know that the suggestions have not been taken up?

Mr. SPEAKER: My difficulty is this that this motion would be entirely out of order, if it wanted to discuss the personnel of the Commission.

Rai HARENDRA NATH CHAUDHURI: No.

Mr. SPEAKER: The personnel of the Commission was discussed in a cut motion——

Mr. M. SHAMSUDDIN AHMED: The personnel was never discussed.

Mr. SPEAKER: In a cut motion, which Mr. Abdul Hakeem moved "to raise a discussion on the dropping of the proposed Revenue Enquiry Commission" and then Mr. Syed Abdul Majid moved his cut motion "to raise a discussion on the constitution and terms of reference of the proposed Land Revenue Commission". Therefore, only the constitution of the Land Revenue Commission was the subject matter of the decision; so, this motion if it were on the plea of appointment of the personnel would not be in order. But there is quite a different matter here I find, namely, "the situation which has been created by the appointment of Sir Francis Floud." It is quite true that if it was on the score of the personnel of the Land Revenue Commission, then that matter could not be discussed. But if certain members think that there is a situation created by the appointment of a certain person as Chairman, is not the House entitled to discuss the question of the Chairman of it? That is the point which has been raised in the adjournment motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I venture to think, Sir, that the cut motion of Mr. Syed Abdul Majid was "to raise a discussion on the constitution and terms of reference of the Commission" and certainly the appointment of the Chairman comes within "constitution", and here in his speech he specifically mentioned the appointment of a Chairman from England. That was one of the points definitely raised in his speech and the House considered that point and voted down the cut motion.

Rai HARENDRA NATH CHAUDHURI: That was not the issue before the House.

Mr. SPEAKER: His speech might be one thing, but the question is whether this motion was discussed, i.e., the question of the appointment of an outsider.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The word "constitution" certainly includes the personnel of the Chairman as well.

Rai HARENDRA NATH CHAUDHURI: Not at all.

Mr. SANSANKA SEKHAR SANYAL: Will you kindly refer to page 185 of the proceedings? You will there see that the Hon'ble the Chief Minister has said something which contradicts the statement made by the Hon'ble the Revenue Minister.

Mr. SPEAKER: Do not please create confusion. We are going on the motion itself.

Maulvi ABDUL BARI: Sir, may I be permitted to point out, without going into the merits at all, so far as the cut motion of Mr. Abdul Majid is concerned, namely, "constitution and terms of reference of the Commission" that, "constitution" means the entire constitution and personnel of the Commission, and so far as there is the question of the appointment of a Chairman, it forms only a part of the constitution. Therefore, Sir, it implies that when the entire constitution was discussed, the part of it was also discussed. Therefore, Sir, the matter now before the House is only to traverse a question that was once traversed. Therefore, Sir, this question is out of order, and this motion, if taken up, will be a sheer waste of the time of the House, at a time when we have other more important subjects for discussion. And, Sir, if you will be pleased to read through all the debates on that motion, namely, the speeches of Mr. Abdul Majid and Maulvi Tamizuddin Khan, you will be pleased to find that the question of the appointment of the Chairman, of the personnel, and the terms of reference of the Commission—everything was gone into and thrashed out on the floor of the House and the motion was defeated.

Rai HARENDRA NATH CHAUDHURI: Not at all.

Maulvi ABDUL BARI: Therefore, any further question regarding the adjournment motion on that issue cannot and should not arise.

Mr. SPEAKER: I think I should come to a decision on this matter.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I have got one word to say. Without repeating what has already been said by my friend the Revenue Minister, I may point out to the House that there were two points which were made absolutely clear to the House, namely, that there should be a Commission and there should be an impartial Chairman. Now, Sir, if these two principles are accepted, it follows that the Government could in their judgment decide who that impartial Chairman should be, and it cannot be expected that each time an appointment is made, the matter should come for consideration and discussion in the House. If no reference whatsoever had been made of the Chairman, then that would be a different matter, but, Sir, as a matter of fact, a reference was made, that the Chairman should be an impartial Chairman and further be dissociated from the various controversies in India, political and otherwise, and who can be expected, being an impartial man with an unprejudiced mind to bear on the various questions that do arise. I submit, Sir, Sir Francis Floud in the judgment of the Government completely fulfils those conditions and in view of that this appointment has been made, and I submit, Sir, that this appointment is fully covered by the authority given by this House to make the appointment, namely, of an impartial Chairman.

Mr. SURENDRA NATH BISWAS: What about the assurance?

The Hon'ble Mr. A. K. FAZLUL HUQ: The assurance is regarding an impartial Chairman and we consider that he is an impartial Chairman.

Dr. NALINAKSHA SANYAL: Then you condemn the whole nation that we could not produce an impartial Chairman.

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not condemn the nation, but the nation has been condemned several times. When Sir John Simon was here—(A VOICE: You could not find an impartial judge.)

Mr. SPEAKER: I think there must be a little misconception on both sides of the House as to the exact scope of this motion, and I am afraid that the member who has given notice of it, is as much under the same misapprehension as those on my right. I am, for the time being, concerned with the terms of this motion and nothing further. After the situation has been fully explained, the only issue by which this matter can be ruled out is on the ground as to whether this matter was once discussed in this House or not, and I am applying the same test. Now Government did give an assurance on two points, as the Hon'ble the Chief Minister has said and the Hon'ble the Revenue Minister has said, namely, that there should be a Commission and there should be an

impartial Chairman. The name of Sir Francis Floud was never the issue in any of the discussions (hear, hear). My difficulty is this, supposing that in spite of the authority the House gave to Government, at a certain stage the House is not satisfied with that of either the personnel or the Chairman of the Committee, and if the House wants to discuss the narrow issue, namely, the appointment of a certain person as Chairman, it is only on that ground that I think this motion is in order (hear, hear). It is not in order on any other ground except on the appointment of a certain person as Chairman. So I hold that so far as this motion is concerned, it is only in order in so far as the situation created by the appointment of a certain person as the Chairman of the Commission goes and nothing further. Whether and how that appointment should be made or whether that appointment should have been made in a different manner or not, can only be incidentally discussed. It is only with reference to the appointment of a particular person and nothing further. So any matter which was discussed during the previous session will be wholly out of place, but here, the question is the narrow question, namely, the situation created by the appointment of a certain person, and it is open to the House to discuss it. It is not for me to rule it out on the ground that it is not the right of the House to discuss about a certain person. It is not for me to rule it out on the ground that the House has no right to discuss the merits of a certain person, and I do hold that with regard to the appointment of a certain person the House is fully free to record its opinion. I hold that this motion is in order, and I wish to take it up at 6 o'clock to-day.

I find that the motion of Mr. Hashemy is not in order, but that of Maulvi Tamizuddin Khan is in order. Mr. Hashemy's motion is not in order because he wants to discuss an issue which I have already ruled out, viz., 'utter disregard of public opinion.' His point will, however, be incidentally discussed. Though he has cut that out, the notice which he has handed over to me contains it. But in the case of Maulvi Tamizuddin Khan's motion I find no difficulty. Maulvi Tamizuddin Khan may, I think, ask for leave of the House to move his motion.

Maulvi TAMIZUDDIN KHAN: Sir, I beg leave of the House to move the adjournment motion of which I have given notice.

Mr. SPEAKER: Leave has been asked by Maulvi Tamizuddin Khan to move his motion for adjourning the business of the House to discuss a definite matter of urgent public importance, viz., the situation created by the appointment of Sir Francis Floud as Chairman of the proposed Land Revenue Commission in terms of Government Resolution No. 6414L.R., dated the 2nd April, 1938, published in the *Calcutta Gazette Extraordinary* of the same date.

Is it the wish of the House that leave should be given to Maulvi Tamizuddin Khan to move his motion? (Cries of "Yes, yes" and "no, no"). As objection has been taken by some members I would ask those members who are for leave being granted to Maulvi Tamizuddin Khan to rise in their seats.

(Several members rose in their seats.)

Mr. SPEAKER: I find that there are more than 50 members who are in favour of leave being granted. So, I shall take up the adjournment motion at 6 o' clock this evening.

Dr. NALINAKSHA SANYAL: May I now move, Sir, the privilege motion of which I have given notice?

Mr. SPEAKER: I propose to take it up after the discussion on the Bengal Tenancy (Amendment) Bill is finished.

Sir Nazimuddin, will you please move your motion?

Accommodation in the Bengal Legislative Council.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I beg to move that a committee composed of the following members be appointed to consider the question of providing or arranging suitable accommodation for the Bengal Legislative Council:—

Members:

(1) Mr. M. Ashrafali, Deputy Speaker (*Chairman*),
(2) Mr. George Morgan, C.I.E.,
(3) Mr. Md. Mohsin Ali,
(4) Mr. M. Farhad Raza Chowdhury,
(5) Mr. A. M. Abdul Hamid,
(6) Maulvi Zahur Ahmed Chowdhury,
(7) Mr. Abul Hossain Ahmed,
(8) Khan Sahib Hamiduddin Ahmed,
(9) Maulvi Abdur Razzak,
(10) Mr. Upendra Nath Edbar,
(11) Babu Kshetra Nath Singha,
(12) Mr. Santosh Kumar Basu,
(13) Mr. Surendra Mohan Moitra,
(14) Rai Harendra Nath Chaudhuri,

(15) Dr. Suresh Chandra Banerjee,

(16) Dr. H. C. Mukherji,

(17) Mr. Giasuddin Ahmed, and

(18) Mr. Birendra Kishore Ray Choudhury,

with instructions to submit their report by the 1st of June 1938 and that the number of members whose presence shall be necessary to form a quorum shall be five.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, I beg to move a short amendment to the first paragraph of the motion moved by the Hon'ble Minister in charge, viz., that after the word "consider" in the first paragraph the following be inserted, namely:—

"the desirability of constructing a separate building and."

The issue that I want to raise is—

Mr. SPEAKER: I am rather in a difficulty as regards the admision of your amendment, Dr. Sanyal. Your amendment would have been perfectly in order if you had added these words by way of an addition.

Dr. NALINAKSHA SANYAL: Sir, I submit that it is all right. I have said "and" and thus I have added these words.

Mr. SPEAKER: I am sorry, Dr. Sanyal. Yes, your amendment is all right.

Dr. NALINAKSHA SANYAL: Sir, I have very little to add because my amendment is self-explanatory. In this House we have on some previous occasions made it perfectly clear that we do not think it desirable to incur additional expenditure for a Council building. I have since made some investigations, and I have discovered that all the complaints that our friends elsewhere have put forward boil down to two issues, namely that they cannot get drinking-water in time and that they cannot get proper access to the Library. I submit, Sir, that for these two flimsy grounds to have a separate building constructed would be wasting public money like anything. I, therefore, want the issue to be very clearly laid down, and that in the terms of reference this should be one of the important issues provided for, viz., that the Committee should consider the desirability of having a separate building constructed. Apart from the question of providing suitable accommodation—of course we are bound to provide suitable accommodation—the specific question of the desirability of constructing a separate building has got to be examined. I would, therefore, request the

Hon'ble Minister in charge to accept my amendment, because I feel that he also thinks that a clear issue should be placed before the committee—and not a general issue to which only one reply can be given—and that is that we should provide suitable accommodation. I submit, Sir, that suitable accommodation even without having a separate building can be provided. That is my humble submission. I would point out that this question of having a separate building is going to prove to be the thin end of the wedge, and I do not know whether Government have sufficiently appreciated the implications of having a separate building, for it would only lead to endless trouble. If there are simultaneous sittings of both the Houses and if the Hon'ble Ministers do not go to the respective Houses in time they may be charged by the Chairman, the Speaker, or the President concerned,—with having neglected their duties by that particular House. I, therefore, submit that this motion, if accepted, will draw pointed attention to these difficulties.

Mr. SPEAKER: Dr. Sanyal, are you moving your amendment No. 14?

Dr. NALINAKSHA SANYAL: No, Sir.

Mr. ABDUR RAHMAN SIDDIQI: Sir, we have not at all been able to understand the implications of Dr. Sanyal's amendment.

Mr. SPEAKER: His amendment, if accepted, will make the original motion of the Hon'ble Khwaja Sir Nazimuddin read as follows:—

"That a committee composed of the following members be appointed to consider the desirability of constructing a separate building and the question of providing or arranging suitable accommodation for the Bengal Legislative Council" and so on.

All other amendments fall through except No. 12.

Khan Bahadur A. F. M. ABDUR RAHMAN: Sir, I beg to move that after the name of Mr. Giasuddin Ahmed the following name be inserted, namely:—

Mr. Abdur Rahman Siddiqi.

Mr. SPEAKER: Mr. Banerji, are you pressing your amendment No. 15?

Mr. P. BANERJI: No, Sir.

Dr. NALINAKSHA SANYAL: Sir, may I know whether the Hon'ble Minister accepts my amendment?

Mr. SPEAKER: Sir Nazimuddin, are you prepared to accept Dr. Sanyal's amendment?

Mr. ABDUR RAHMAN SIDDIQI: May I enquire whether discussion on the amendment of Dr. Sanyal has been closed?

Mr. SPEAKER: I am anxious to settle as to what procedure should be adopted as regards the discussion of the amendments relating to the Bengal Tenancy (Amendment) Bill, before this adjournment motion is taken up.

Dr. NALINAKSHA SANYAL: Then let us postpone it till tomorrow.

Mr. SPEAKER: I am prepared to allow this matter stand over till the Bengal Tenancy (Amendment) Bill is finished. I hope the House will have no objection.

(The House signified its assent to the suggestion of Mr. Speaker.)

Message from the Council.

SECRETARY: I have received the following message from the Secretary to the Bengal Legislative Council, namely:—

"I am directed to send herewith the Bengal Public Demands Recovery (Amendment) Bill, 1938, and to convey the message that the Council at the meeting held on the 2nd April 1938, have agreed to the Bill without any amendments."

GOVERNMENT BILLS.

The Bengal Tenancy (Amendment) Bill, 1937.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bengal Tenancy (Amendment) Bill, 1937, as passed by the Bengal Legislative Council be laid on the table.

I further beg to move that the amendments made by the Bengal Legislative Council in the Bengal Tenancy (Amendment) Bill, 1937, be taken into consideration.

Mr. SPEAKER: The question before the House is that the amendments made by the Bengal Legislative Council in the Bengal Tenancy (Amendment) Bill, 1937, be taken into consideration.

The motion was put and agreed to.

Mr. SPEAKER: I think I might clear some misunderstanding in connection with amendments at this stage. I find a good number of amendments have been given notice of which are wholly out of order on the ground that they are really negative amendments. The question before the House is as to whether we should accept the amendments made by the other House, and the reinstatement of the other amendments which have been deleted by the other House is out of order, for the reason that if the question is not agreed to, it substantially replaces the motion which we considered. The position is whether we agree to the amendments and it is not whether we replace those amendments unless you want substantially to replace something further.

Mr. TULSI CHANDRA GOSWAMI: May I know if that would not complicate the procedure?

Mr. SPEAKER: I don't think so. I am giving a concrete example. We passed the Bengal Tenancy (Amendment) Bill, 1937; the other House has said that it will be Bengal Tenancy (Amendment) Bill, 1938. Again, if you say that it should be Bengal Tenancy (Amendment) Bill, 1937, it is exactly the same thing to which this House agreed and it means that we stick to our original thing, namely, 1937. If we do not agree to the amendment made by the other House, our old position stands. But you are free to make it 1936, or 1939.

Mr. JOGESH CHANDRA GUPTA: Are we really entitled to make it 1936?

Mr. SPEAKER: I do not know. The House will decide it.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I point out that, suppose this House makes any change in the Bill, then it will have to be sent back to the other House.

Mr. SPEAKER: It must be definitely understood that if this House is prepared to make any change, it must go to the other House and in that case, it cannot be passed before 12 months, from the date it was passed here. Therefore the House must realise the necessary consequences of such changes. If any change is made in this House, the Bill will have to go to the other House again and this process may go on.

Mr. JOGESH CHANDRA GUPTA: May I know why it will take 12 months?

Mr. SPEAKER: I am not quite sure whether it will go on for 12 months exactly. I have not considered this matter and I do not know if anybody has power under the Government of India Act, in case there is a change, to call a joint session before 12 months—that is a debatable point.

Mr. MANMATHA NATH ROY: Sir, may I know what will happen if a part of an amendment and not the whole amendment is objected to?

Mr. SPEAKER: Any change must go to the other House.

Mr. Bose, will you please tell me the amendments which are likely to be moved by your Party so that I might pass over the rest?

Mr. SARAT CHANDRA BOSE: I shall instruct the Chief Whip of the Party to place the list before you.

Clause 1.

Mr. SPEAKER: The question before the House is that the amendment made in Clause 1 of the Bill be agreed to.

The motion was put and agreed to.

Mr. SURENDRA NATH BISWAS: I beg to move that in clause 4 in the second proviso to sub-section (5) of proposed section 26C, line 5, for the words "landlord was a party" the words "landlord or his common agent and the co-sharers of the transferor were parties" be substituted.

Sir, may I move the other two amendments which are connected with this, so that it will make a complete amendment. These three are connected together.

Mr. SPEAKER: Your amendment No. 17 is all right, but 16 and 18 are altogether different matters. They do not refer to the subject-matter of this amendment.

Mr. SURENDRA NATH BISWAS: The other two amendments are consequential——

Mr. SPEAKER: I quite see that they are consequential as a result of another section and their place is there. But so far as this section is concerned they are not consequential.

Mr. SURENDRA NATH BISWAS: They are consequential in this way: this is an amendment made by the Upper House providing that if a procedure is subsequently set aside or modified by a competent authority certain precedence should be adopted. My amendments relate to that procedure.

Mr. SPEAKER: I will not rule it out altogether: it may arise, so you may move all the three amendments together.

Mr. SURENDRA NATH BISWAS: I also move that in clause 4 in the second proviso to sub-section (*5*) of proposed section 26C, line 7, for the words "fee for a notice" the words "notices and notice fees similar to those referred to in sub-section (*1*)" be substituted.

I also move that in clause 4 in the second proviso to sub-section (*5*) of proposed section 26C at the end of the last line, after the word "accordingly", the words "and the co-sharers of the transferor may apply under section 26F" be added.

The necessity of these three amendments has arisen because of the amendment of clause 4 by the Upper House.

The amendment made by the Council provides that if a transfer is subsequently set aside or modified by a competent authority, the party in whose favour such order has been made shall, unless such order has been passed in a suit, appeal or other proceedings to which the landlord was a party, deposit with the authority before whom the appropriate suit or proceeding was first initiated the prescribed fee for a notice on the landlord or his common agent.

The implication of my amendment will be that this proviso should extend to cases where the transfer is made to a co-sharer tenant. Suppose a transfer to a co-sharer tenant is set aside, then the other co-sharers are denied the right of pre-emption. There may be collusive cases also. Suppose a landlord to whom the right of pre-emption is denied, purchases a holding from a tenant in the name of a co-sharer and the latter transfers later on in a legal proceedings——

Mr. SPEAKER: I am afraid it is 6 o'clock and I have to take up the adjournment motion.

Mr. SURENDRA NATH BISWAS: Let me finish my sentence.

If the landlord purchases in the *benami* of the co-sharer and if he transfers it at a later stage in a legal proceeding, in that case the co-sharer tenants will not be able to pre-empt under section 26F unless the amendment which I propose to make is allowed, because he may not get notice of the fact of the transfer as being really of a bogus nature.

Mr. SPEAKER: I am afraid, this is not finishing your sentence. You may speak later.

Maulvi ABDUL BARI: May I request you to take up the adjournment motion half an hour later, so that the amendments on the Bengal Tenancy Amendment Bill may be finished first.

Mr. SPEAKER: I am afraid I have got no power to postpone the adjournment motion. If the House desired at the initial stage to take it up later, I could do that but now, I am afraid, it is not possible.

Maulvi TAMIZUDDIN KHAN: Personally I have no objection.

Mr. SPEAKER: Mr. Bose, is it really possible within half an hour to hurry up the whole thing?

Mr. SARAT CHANDRA BOSE: I don't think so.

Mr. SPEAKER: I have got notices of a number of amendments which they are going to move.

Mr. Khwaja SHAHABUDDIN: In view of the fact that if any minor amendment be passed the Bill will be held up for one year, I hope the members of the Opposition will withdraw their amendments and allow this Bill to be passed thus giving a definite proof of their pledge to represent the Projas.

Dr. NALINAKSHA SANYAL: We were very much anxious to get the Bengal Tenancy Amendment Bill passed quickly, in fact we were more anxious than the Government supporters. Unfortunately a situation has arisen out of the fact that the Council has made certain amendments and those amendments have been accepted by the Government party. That is the difficulty with us and we have to examine those things *in toto*.

Mr. SPEAKER: I think it will simplify matters if only those amendments which are likely to be moved are formally moved and there is one general debate on all of them.

The Hon'ble Mr. A. K. FAZLUL HUQ: On a point of information, Sir. Cannot the Bengal Tenancy Amendment Bill be taken up after the adjournment motion is over?

Mr. SPEAKER: I am quite prepared to sit after the adjournment motion.

Adjournment Motion.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that the business of the House do stand adjourned to discuss a definite matter of urgent public importance, namely, the situation created by the appointment of Sir Francis Floud as Chairman of the proposed Land Revenue Commission in terms of Government Resolution No. 6416L.R., dated the 2nd April, 1938, published in the "Calcutta Gazette Extraordinary" of the same date.

Probably there may be no objection against the appointment of Sir Francis Floud so far it concerns the personnel. In fact, I do not know much about the fitness or otherwise of Sir Francis Floud to preside over the proposed Land Revenue Commission. But the question is what are the grounds on which the Government have thought it fit to appoint Sir Francis Floud as Chairman of the proposed Commission. We can very well imagine that that gentleman must be ignorant of the conditions prevailing in Bengal. The land revenue system of Bengal is complicated. There can be no doubt about that. There can also be no doubt about the fact that Sir Francis is quite ignorant of the conditions prevailing here. It may be said that that is a qualification for Sir Francis that he is not aware of the conditions prevailing here and that is why it is expected that he will take an impartial view of things. I beg to submit that that is an altogether wrong approach to the whole question. In fact, the ground of impartiality is no ground at all. I submit that if impartiality has to be considered in the abstract, no man on earth can be found who is really impartial. We can very well think that so far as the land questions are concerned, the European members of this House are likely to take an impartial view but as I have said no man is actually impartial, and so far as we the tenants are concerned we have seen that with regard to the Bengal Tenancy Question the European members of this House took a definite view which is against the tenants. Why? Although they are on the face of it expected to be impartial why is it that they have gone against the tenants. Perhaps it may be said that they have gone against the tenants because they are impartial. That is a kind of impartiality which we do not want. This House by its decided vote has given proof of the fact that it does not agree with the view of the European members so far as the Bengal Tenancy Amendments are concerned.

Exactly so. If a gentleman is brought from abroad to preside over the Commission, his impartiality will be no better or no worse. I submit, Sir, that the qustion of the Commission is a very important one and it will have very far-reaching consequences on the tenants of Bengal. The tenants in Bengal have been fighting for their just

rights for more than a hundred years. They have been ruthlessly exploited and they have been exploited with ease, because they have been kept in ignorance of their own rights. They have not the capacity to organise themselves, they have not the capacity to raise their voice. They have been kept in ignorance, I should say, purposely. That being so, now that there is some awakening amongst the tenants they are fighting for securing their just rights. Now, Sir, wherefrom can these rights come? These rights cannot be created out of nothing. The rights so far as the land questions are concerned have to be curved out of something, and I think that these rights have to be taken from the landlords who have hitherto usurped all the rights to themselves. If that is the position then the situation reduces itself to this—that there is a regular fight between landlords and tenants so far as these rights are concerned. Now, Sir, is it to be expected that if a gentleman is brought from abroad he will be in sympathy with the rights of the tenants, specially having regard to the European attitude in this country so far as the tenants' rights are concerned? I have, therefore, my doubts about the so-called impartiality of a man brought from England, simply because he is not an Indian. Again I think it is an open secret that a retired I.C.S. officer of Bengal will also be on the Commission as an expert and it is being openly discussed.

Mr. SPEAKER: Order, order. I do not think that your reference to this I.C.S. officer being on the Commission is in order at all. The only matter, as I have said is the appointment of a Chairman, and it is only that question that is open to discussion.

Maulvi TAMIZUDDIN KHAN: I fully realise that, but may I make my point clear? I would like to say that the so-called ground of impartiality will not stand in view of what I am going to submit. It is also understood that this gentleman is going to meet Sir Francis Floud and why, Sir? For the purpose if I may be permitted to use the word of coaching him or instructing him about the conditions prevailing here. Sir, if it is not a fact, I think the Government will come forward with a clear contradiction, but if it is a fact can it be said that the gentleman who has been appointed as the Chairman of the Commission will really take an impartial view of the situation prevailing here? I, therefore, think that the ground of impartiality is a mere eye-wash and it is my suspicion that there is a conspiracy to rob the tenants, not only to rob the tenants of their rights but to clog the paths of the tenants for generations to come to secure their just rights, because, as I have already said if the rights are to be obtained for the tenants they are to be obtained from the landlords and that cannot be done without altering in some form or other the character

of the Permanent Settlement. Now, the Government of India Act provides that any alteration to the Permanent Settlement made by any Indian Legislature will not be given effect to unless the same is sanctioned by the British Parliament. Now, if the Bengal Legislature passes any law touching the Permanent Settlement or altering the character of the Permanent Settlement even in the slightest degree then the matter will ultimately have to go to Parliament for their sanction. In that case is it not to be expected that Parliament will look to something else than merely to the legislation as it is passed in this legislature? Parliament will naturally look to the report of the Commission, and as the Government claims that the Commission is going to be an impartial Commission, Parliament probably will also take that view that it was an impartial Commission and I am afraid that if the verdict of that Commission is against the tenants, there will be no prospect whatsoever for any legislation to be ultimately placed on the statute book which alters the character of the Permanent Settlement. That being so, I think that the appointment of this Commission is going to be of a very far-reaching effect and the effect on the tenantry of Bengal will be simply disastrous, if the Commission gives a verdict against the tenants. May I enquire, Sir, when you are going to adjourn for prayer?

Mr. SPEAKER: I shall adjourn for prayer in about 5 minutes, that is about 6-20, and you will also reach the time-limit at that time

Maulvi TAMIZUDDIN KHAN: All right, Sir. Then again, it has not been announced what will be the pay and allowances of the Chairman who is selected, but the fact that he has resigned his post in Canada shows that they will be not inconsiderable, for he would not have resigned his present post unless his prospective appointment here were more lucrative than what he is holding now. (Interruption by the Hon'ble Mr. Suhrawardy.) Sir, I hear an interruption by Mr. Suhrawardy who says that we have enough money to squander. Well, Sir, if he thinks so I have nothing to say.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of personal explanation, Sir. I never said that we had money to squander. I said that everybody does not go up for money. There are people who go after many things else, and some for honour also. Because Maulvi Tamizuddin Khan is getting more money there is no justification for his thinking that everyone is after money.

Maulvi TAMIZUDDIN KHAN: Sir, I am glad to hear that money is no consideration at least to Mr. Suhrawardy. However, Sir, so far

as the poor tenants are concerned, I think, the question of cost is also a very important question, and I would like to repudiate very strongly the implications of appointing Sir Francis Floud. The implication is that no man could be found here in India, nearer home, who would have been equal to the task. Sir, it is claimed, I think, even by our Government, that we have passed the stage of tutelege, that we are fit for Self-Government, and that we are also fit for independence. That being so, Sir, is it necessary that for the purpose of presiding over a Land Revenue Commission we cannot find a man who is equal to the task in India? Sir, my view is even if an Indian would not have been as competent as probably Sir Francis Floud is, even if an Indian would have been far less competent than that gentleman, even then I think, we would have accepted an Indian as Chairman of the Commission. (Here the Hon'ble Mr. Nalini Ranjan Sarker made a reference to the Communal Award of 1934, perhaps meaning that it was a non-Indian who had to promulgate that Award on the failure of Indians.) I repudiate the suggestion that competent Indians are not available, and I strongly resent the idea that is implied in this appointment that no fit Indian could be found, or no impartial Indian could be found, to be Chairman of this Commission. If that is the mentality of any section of our people that mentality is only to be deplored.

The Hon'ble Mr. NALINI RANJAN SARKER: That was so in 1934, at the time of the Communal Award, and not in 1938!

Maulvi TAMIZUDDIN KHAN: I think Mr. Nalini Ranjan Sarker ejaculated something about the Communal Award.

The Honble Mr. NALINI RANJAN SARKER: That was the creation of Mr. Ramsay MacDonald.

Maulvi TAMIZUDDIN KHAN: I think, Sir, that is the mentality which is still dominating the Cabinet, and it seems to be surprising that even Mr. Nalini Ranjan Sarker who even now swears in the name of the Congress, entertains a view like that. I think he should be ashamed of his own mentality.

(Here the member having reached his time-limit resumed his seat.)

(The House was adjourned for 15 minutes.)

After adjournment.

Mr. SYED JALALUDDIN HASHEMY: Mr. Speaker, Sir, I have no quarrel with Sir Francis Floud. I do not know him, I do not

know whether he is an expert or not. None of us have tested his experience and efficiency. Let us assume for a moment that he is an expert. But, Sir, I must say that only a weak and demoralised Government take shelter under experts. Sir, experts never agree, they always quarrel, particularly in a matter like this. The land interest in Canada may be quite different from the land interest in Bengal. I do not propose to make Bengal a Canada. Sir, the point is that we do not think for a moment that we have not got experts in India, certainly we have got our own experts, but much stress has been laid on the word "impartiality". It may be quite possible that Sir Francis Floud is an impartial man, but it does not follow from this that in India there is no impartial man to sit in judgment over the land system of Bengal. I may mention the name of Sir Akbar Hydari, Sir Muhammad Sulaiman, Sir Tej Bahadur Sapru, and the Rt. Hon. Mr. Srinivas Shastri, and if I am permitted to say, I may mention the name of Khan Bahadur Md. Abdul Momin,—I think nobody will deny that he is an expert in the land system in Bengal. I may also mention the names of Sir Manmatha Nath Mukherji and Sir Nalini Ranjan Chatterjee who are also in my opinion experts in the land systems in Bengal. Sir, by using the expression impartiality and giving stress on the word "impartiality", am I to understand that a reflection has been cast on the impartiality of Indians? I am sure Government do not propose to say that in India impartial men are not available. Sir, by their integrity, by their honesty, and by their experience and ability these persons whose names I have just mentioned have proved to the hilt their efficiency and impartiality, and this Government might have taken any of them as Chairman of the Commission, and I would have no objection of taking any of them as Chairman. Sir, this is a question of policy. Why should we go and borrow experts from Canada? Sir Francis Floud will come all the way from Canada to England and from England to India to give us expert advice and to sit in judgment on the land system of Bengal. Sir, it is a strange irony of fate and it shows the slave mentality of Government; it shows the inferiority complex of this Government. Undoubtedly this Government is weak and, if I am permitted to say, this Government is demoralised, otherwise they would not have gone to seek for experts in Canada. There are I.C.S. people in Bengal and in India, and as far as I know, they have sufficient experience of the land system in Bengal and we have also confidence in their integrity, in their honesty and in their impartiality. Sir, the question of pay is also involved in it. I do not know what amount will be spent for the purpose of Sir Francis Floud's arrival in and departure from India. He may be given a salary of Rs. 6,000 or 5,000 a month. Our country is already bled white. Are we in a position from the economic point of view to pay so high a salary to a gentleman who is coming all the way from Canada to India? We oppose this

on principle, and I should like to tell my friends opposite that very recently in the Indian Legislative Assembly two such appointments were not recommended by the non-official members of the Assembly. I may point out in this connection that Mr. Jinnah with his party opposed the Government and the Government of India had to sustain two heavy defeats when they appointed Dr. Gregory and Mr. Chambers as Economic Advisor and Income-Tax Commissioner, respectively, to the Government of India. Here in Bengal we have not taken lesson from the defeat of the Government of India. Here in the regime of Provincial Autonomy we say that this is a popular Government. But this sort of thing ought not to have been allowed by popular Ministers by appointing a man from Canada, the principle being that we are going to import a foreigner on the ground that we have not got better men, we have not got experts, we have not got efficient and impartial men to see and judge things for ourselves. This, as I have already said, is a reflection on the character not only of the people of Bengal but of the whole of India. This Government stand self-condemned by their action. They are going to do good to the poor tenants of Bengal. Sir, is there any justification on the part of this popular Government in the regime of Provincial Autonomy to borrow a man at so heavy and huge a cost, which the poor tenants of Bengal are incapable of paying? Sir, you know the tenants of Bengal are not even in a position to pay a small amount of tax for their own education. How can they afford to pay so heavy a salary that is to be given to one outsider. We oppose this very principle of appointing an outsider. We want to say and we want to finish it once for all that we have no desire to import people either from Canada or from England or Japan or America. We think always that we are self-sufficient. We can judge, we can do, we can contemplate for the development of ourselves in every way. That is for us alone. If we go on in this way borrowing people from other countries, naturally people will be inclined to think that we are yet 200 years backwards. We cannot do things, we cannot manage our own house-hold with our own men. Sir, by appointing Sir Francis Floud, we have debarred efficient men of Bengal and India, and we have dishonoured our own country. Sir, if you have taken Sir Akbar Hydari for the Chairmanship of this Commission, the position of Bengal, nay India, might have been raised. If you have taken the Rt. Hon'ble Sir Tej Bahadur Sapru as the Chairman of this Commission, you would have honoured your country. The integrity, impartiality and honesty of these two gentlemen cannot be questioned even by the Cabinet and the Government of Bengal. Sir, these things should not be allowed and to-day of all days the Ministerial Party will realize once for all that even the leader of the Muslim community of India, Mr. M. A. Jinna, opposed this sort of foreign appointments in the Legislative Assembly and not only once, but twice he opposed the Government and gave them heavy

defeats. Sir, this time let us unite and cancel this obnoxious appointment, injurious to the interests of Bengal and India. Let us appoint an Indian whoever he may be, a Muslim or Hindu, and show that we are now in a position to govern ourselves. With these words, Sir, I move my motion.

Maulvi ABUL HASHIM: Sir, if this House be divided on this motion, those who will vote in favour of this side, will they necessarily signify their agreement to the appointment of Sir Francis Floud as Chairman? I want a ruling from you, Sir, on this point.

Mr. SPEAKER: I will reply to that later.

Mr. SANSANKA SEKHAR SANYAL: Mr. Speaker, Sir, in supporting this motion I beg to draw the attention of the House to certain relevant observations made by the Hon'ble Chief Minister. He said on the 11th March:—

"As I have said, the personnel has not been decided at all, and we would welcome suggestions from the Congress group or from any group in this Houe. We will consider every suggestion; every suggestion will be taken into consideration. I find the whole problem is so complicated that we may have to give up the idea of appointing a Commission altogether. Nothing has been settled, so there is no fear."

Sir, at that time when this matter was being discussed at the budget stage, we were fearing that the proposed Commission was a dark horse, but to-day, Sir, after the publication of the communique, we find that instead of a dark horse, it is a white elephant. Sir, in the middle of the 18th centuries we had a similar non-political and independent European in the shape of Robert Clive, and he sat in judgment upon the quarrels and differences amongst us, and the verdict that he gave is still being felt every day and night by the entire Indian nation. Sir, similarly when the vital question of land problem is agitating not only the intellectuals of our communities but also the mass mind, we are again going to have a similar arbitrator of our destinies, and if we have got to profit by our past lessons, then certainly, we of all persons would not agree to the selection of a man whose only qualification is ignorance of Indian and Bengal's affairs. Sir, it is said that a non-political gentleman should be appointed. Well, I do not know, Sir, how this gentleman could be non-political. From the *communique* it appears that he is the agent of British Imperialism in Canada.

Mr. ATUL KRISHNA GHOSE: He is the High Commissioner for Canada.

Mr. SASANKA SEKHAR SANYAL: He is the High Commissioner, and therefore he is the Agent of British Imperialism in Canada. And when the vital question is agitating the mass mind of Bengal, we are going to have in our midst as a judge of our problems to decide our destinies a man who is the agent of British Imperialism. Sir, it is very easy to use the word "non-political". But the problem is so political that the solution which has been aimed at is also political in dark designs. Sir, one who is drawn up in the steel frame of British Imperialism is being imported under the garb of Chairman, not because he will be absolutely non-political, but because he wants to perpetuate landlordism which was the bulwark of British Imperialism in the year 1793 and even after that. I will not be mistaken if I say straight in the face of the Revenue Minister that when the Government and the landlords are finding that their case is lost, they are trying to import a British weapon from a British territory so that the progressive movement of Bengal may be crushed. Sir, it is also said that this gentleman is independent. Well, as I have already submitted, his independence is only ignorance of Bengal affairs. Why this expression "independence" has been used, it is beyond my comprehension to understand. The problem is certainly political, and the matter may be best discussed by political representatives It is not a question of a geometrical problem to be solved on slate and on plain white paper. Sir, the question of land revenue, the question of permanent settlement, the question of the present appalling condition of the tillers of the soil, these are concrete political problems, economic problems and these can be grappled, these can be solved, these can be dealt with, and a solution can be arrived at in respect of these only by those persons who are in every hour of waking existence accustomed to these things, who are dealing with these things not only as theoretical paper problems, but as problems which guide their destinies in their day to day life. Sir, here, in this House we have met, and we are all political. Sir, we have got our party programmes; we have got our party affiliations; we have got our party mandates, and we have got mandates from our electors and constituents. Sir, if we have got to decide a matter, it is we who have been the chosen representatives of the people that are competent to deal with the live issue of the present day. Sir, if you will excuse a personal reference, you yourself, before your elevation to the Chair, were one of the Party. You certainly belonged unequivocally and unreservedly to a party, and certainly, Sir, you did not belong to our party. And I shall be very wrong if I say that if you shed yourself of the Chair now, you will not easily come to our party, but then after your elevation to this Chair, Sir, not only our party, but no group in this House is ashamed of you; nobody challenges your independence; nobody challenges your genuine desire to see to justice being done. So, Sir, any politician whenever he is elevated to the Chair of a Judge, will certainly be able to carry out the affairs of the debate in an impartial and independent

manner, and, Sir, to-day of all days, we are certainly not going to believe that we as a community, we as a race, are not able to produce impartial and independent men who will sit in judgment fairly and squarely over the burning problems of the day.

Sir, there is only one question that I will ask of the Hon'ble the Revenue Minister, though the Hon'ble the Revenue Minister is diverting his attention elsewhere, I would ask him one plain question. Supposing, Sir, to-day there are the burning problems of Europe, and in England where our rulers are, they are in the midst of burning political and economic problems. Though there are, Sir, party differences and political differences which are much more acute than the party and political differences in Bengal, if any vital question crops up there, would it be necessary for them or rather would anyone venture to sugest that it would be necessary for the Englishmen to import our Revenue Minister from Bengal to England in order to deliver his judgment over the burning problems of England? Sir, if that be the logic that is not applied to our rulers, why should it apply to us, unless we suffer from the old inferiority complex before the advent of the white race. Sir, I don't think much discussion is necessary over this matter, but I can assure the House that even the humblest member of this Chamber, if he is elevated as Chairman, he will certainly be able to conduct the affairs in such a manner as to deserve the credit of being impartial and independent throughout. Sir, there is the question of conflict between the landlords and the tenants. Sir, I represent the tenants and on behalf of the tenants, on behalf of my party and on behalf of all progressive parties of this House, I can make the suggestion that even if a landlord of this House is placed as Chairman, certainly, we of the tenants group will not shudder at that, because we know (Maulvi ABDUL BARI: The appoinment of a landlord will make the situation worse), and in fact, Sir, the landlord will be our man and he will be conversant with all our problems and he will certainly be better able to deal with our problems than a person whose only qualification is a white skin and a white and a clean mind, who is ignorant of all the affairs in Bengal. Therefore, Sir, I submit, that this question should not be made an issue within the confidence of the Government, because the Government discussed this matter and I have quoted the Hon'ble the Chief Minister already. The Hon'ble the Chief Minister gave a definite promise that he would consult the members of this House, but this is not the way in which consultation should have been done. I would appeal to the Cabinet. I would appeal to the Hon'ble the Chief Minister and to the Revenue Minister to bring in the question of the personnel and the terms of reference of the commission for discussion before the House in the shape of a resolution, as was suggested the other day by our friend Mr. Tamizuddin Khan and the Hon'ble the Revenue Minister at that time discussed the matter in such a spirit and in such a language that we were given this impression that

before this white elephant's burden was placed upon us, the entire matter would come before the House, so that we in our wisdom, would be able to discuss the terms of reference and the personnel, so that we could arrive at a composition which would represent the highest common factor of all conflicting elements. Before I sit down, I will appeal to my friends of the Coalition Party that we must demonstrate before the world that we can walk in the streets of Bengal with our heads erect. We must proclaim before the world, even if we have quarrels within ourselves, that to-day in the year 1938, Bengal is enabled to produce a man who can sit as Chairman of a Land Revenue Commission (hear, hear). Only the other day the White Commission sat upon us and thrusted a new constitution—I am making this remark because the Hon'ble the Chief Minister made a passing reference to that; well, I submit that we the representatives of India, if we made and introduced even a worse constitution, we would be much happier because that would be our own production and our own creation, but the Simon Commission has introduced a state of things which is unacceptable not only to the Congress and the Progressive elements, but even those who are obliged to work out the constitution, they also have unequivocally declared that the new constitution is bad, and there is no secrecy about that. The root cause is that it was a matter which was drafted by persons who were not our men, who were forcibly engrafted upon us, not a matter of natural development but a matter of artificial super-imposition given against our will. So, Sir, we are now in the midst of a new constitution and we must work with the opportunities that are afforded by this new constitution, and we must no longer remain babies but we must stand erect, we must sit together and we must put all our wisdom together, and we must get rid of our weakness so that it can be said whatever our problems, that those problems are capable of solution by ourselves.

Maulvi ABDUL BARI: Mr. Speaker: Sir, the motion brought by my friend Mr. Tamizuddin Khan is rather a half-hearted one, because so far as I am concerned, I would have opposed the formation of a Commission at all, because our past experience shows that Commissions have been absolutely fruitless in the past, and therefore we cannot expect anything better in the future as a result of the formation of a Commission. So far as the question of personnel is concerned, I speak on my own behalf and not on behalf of the party to which I belong. I, Sir, accept the objective of Mr. Tamizuddin Khan, but I do not accept the arguments which he has advanced in rejecting the personnel of the Commission.

Mr. SPEAKER: Not "personnel", but the "Chairman". "Personnel" is not at issue.

Maulvi ABDUL BARI: Yes, Sir, "about the Chairman." Now, Sir, Mr. Tamizuddin Khan has said about the impartiality of the Chairman of the proposed Revenue Commission. So far as the question of impartiality is concerned, I am not going to lay much stress on that. I am not going to oppose the appointment of that particular Chairman, though he is an impartial gentleman, but what we want, Sir, is that an Indian should be made Chairman of that Commission. So far as the question of impartiality is concerned, (Dr. Nalinaksha Sanyal: Are you supporting the motion?) I never can agree so far as the present state of things in the country is concerned, that we can have an impartial man or a Chairman—be it here, there or anywhere in the world. So far as my personal experience goes, even in the House itself, even to-day, when my friend Mr. Surendra Nath Biswas was moving some amendments on the Bengal Tenancy (Amendment) Bill, Sir, it was not an impartial act that was going to be demonstrated by him, because by that act of his, he was going not only to adopt delaying tactics by which he wanted to take away some thing from the tenants which this House only in the last session gave, and which only the Council wanted to give. That is the desire of this House to——

Mr. HARIPADA CHATTOPADHYAY: As if you are the only impartial man.

Dr. NALINAKSHA SANYAL: Stand erect and say.

Maulvi ABDUL BARI: Yes, I stand erect and say that I am the only impartial man.

Mr. JOGESH CHANDRA GUPTA: I have risen on a point of order. Is the hon'ble member entitled to insinuate that Mr. Surendra Nath Biswas when he moved the amendment, was not doing so from an honest motive, but was as a result of dilatory tactics.

Mr. SPEAKER: If there was any motive, I would have immediately stopped him, all he said was "dilatory tactics" and the question of honesty of bona fide was not spoken. I can see that this matter can be made relevant, but I would appeal to my friend not to take a far-fetched view of matters which are wholly unnecessary.

Maulvi ABDUL BARI: Now, Sir, I was going to say that so far as impartiality of the Chairman is concerned, impartiality cannot be found anywhere. Even, Sir, by quoting the Law of the Land, I can show that impartiality cannot be had even from the Judges of the Courts; otherwise, there would be no place for sections 526 or 528 of the Criminal Procedure Code. That shows that there also, the

impartiality of a man is immune. These are the reasons as why I submit that the question of impartiality is not the only question that has got to be looked into. It may be that we might have an impartial man here. It may be that the gentleman who has been appointed as Chairman of the Commission, might be an impartial man, but that is not my concern. My concern is, my appeal to the Government is, that we should have a Chairman who should be Indian (hear, hear), because, Sir, to my mind, after these years of training we cannot for a moment think that India cannot produce a man who is not fit to sit as the Chairman of a Revenue Commission. Sir, India has produced men who have been recognized all over the world as the greatest scientists, India has produced men who have been recognized as the greatest poets, India has produced men who have been recognized as the greatest Leaders. India has produced men who have been recognised as the greatest literatures. It is, therefore, late in the day to say that India will not be able to supply a man who is fit and competent to sit as Chairman of the Land Revenue Commission. Therefore, Sir, I submit that Government have not been well advised to appoint a non-Indian as Chairman of the Commission. It is really a slur on the fair name of India to say that you cannot find in Bengal a man who is not competent enough, a man who is not impartial enough, a man who is not educated enough and a man who has not sufficient experience, to be appointed as Chairman of the proposed Commission. I submit, Sir, that question does not arise at all.

Rai HARENDRA NATH CHAUDHURI: It will come up in proper place?

Maulvi ABDUL BARI: I do not know, Sir, what argument will be advanced by Government in support of their appointment of a European, but whatever it may be, I would appeal to the entire Cabinet and particularly to the Hon'ble Chief Minister to take into consideration the views of this House on this matter, namely, that the House is in favour of the appointment of an Indian as Chairman of the Commission. Though an announcement of the appointment of Sir Francis Floud has been published in the Gazette, it is not yet too late to rectify things by reconsidering the matter, and I do not think, Sir, there will be any interference with the action of the Ministry if they decide that this appointment should be cancelled.

It has been said off and on that things which are said to be definite and conclusive in character cannot be set aside or altered. If that be the argument then all that I can say is that the present Ministry is quite competent, if they really desire it, to cancel even settled facts, which they feel to be against public interests. I would further submit that if the Ministry feel that it is not possible for them to change the Chairman of the proposed commission they ought to give

up the Commission altogether. (Cries of "Hear, hear"). Instead of having a non-Indian as the Chairman of the Commission we should rather have no commission at all. Furthermore, so far as the gentleman who has been appointed Chairman of the Commission is concerned, as has been pointed out by some of my friends here, we do not know what he is and what his qualifications are. We do not even know whether or not he has any knowledge about the land laws of Bengal, and also if there is any truth in what Maulvi Tamizuddin Khan has said that an officer is going to be deputed to Great Britain from this place for the purpose of—

Mr. SPEAKER: That has nothing to do with the adjournment motion.

Maulvi ABDUL BARI: All right, Sir, I shall not refer to it. As I was saying, even from the point of view of economy, we cannot have a—.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. My honourable friend has referred to the observation of Maulvi Tamizuddin Khan on the situation created by the appointment of Sir Francis Floud as Chairman of the Commission, namely, that an officer of Government is going to be deputed to Great Britain for the purpose of training Sir Francis Floud.

The Hon'ble Mr. NALINI RANJAN SARKER: That is absolutely false.

Dr. NALINAKSHA SANYAL: False things often come out true now-a-days as the Hon'ble Finance Minister will remember.

The Hon'ble Mr. NALINI RANJAN SARKER: We have learnt that from you!

Maulvi ABDUL BARI: So far as the question of economy is concerned, Sir, we have been pressing too hard and too seriously to bring about retrenchment in the expenditure of Government, and we are perfectly sure that if a gentleman is brought from outside the shores of India to act as Chairman of the Commission, Government will have to spend a good lot of money over him. Somebody has said that the gentleman will be paid Rs. 6,000 a month; somebody has said that he will be paid Rs. 3,500 a month. I do not know, Sir, what the pay of the Chairman will be, but whatever it may be, it is certain that it will not be less than Rs. 3,000 a month. Surely, Sir, we could have a man from our own country, who will be satisfied even with Rs. 2,000 a month, and thereby we could make a good saving.

On these grounds, Sir, I think Government will be well advised to revise their decision in this matter in the light of the observations made by the members of this House.

So far as the observations of Mr. Jalaluddin Hashemy are concerned, I do not agree with them because Mr. Hashemy spoke of the present Ministry in terms which are neither here nor there. Mr. Hashemy said that the Ministry has been demoralized and that the Ministry is weak. Sir, I differ from him on that point because up till now the Ministry has shown strength and on this occasion also I hope that the Ministry will show equal strength by revising their decision.

Mr. SYED JALALUDDIN HASHEMY: In that case, Sir, I shall withdraw my remarks. (Laughter.)

Maulvi ABDUL BARI: Sir, I have reasons to believe that the Ministry will rise equal to the occasion because in the past they have always shown courage. By the passing of the Bengal Tenancy (Amendment) Bill and by the withdrawal of the "Lotus" and the "Sri" from the crest of the Calcutta University they have shown their mettle unmistakably. Therefore, it cannot be said that the Ministry is weak. Indeed there is no ground for such an apprehension. In order to add to what they have done already, I expect, Sir, that the Hon'ble Chief Minister who has been really a friend of the tenants of this province all through his life and who has been acting in that spirit ever since his assumption of office, will demonstrate to the world and to the members of this House that he is not lagging behind in his anxiety to do good to the tenantry of Bengal. We believe, Sir, that the appointment of a European gentleman as Chairman of the Commission will be detrimental to the interests of the tenants. My friend Mr. Sasanka Sekhar Sanyal has said that he would prefer the appointment of a Zemindar as Chairman of the Commission. Sir, till the last breath of my life, I would never agree to that, nor shall I agree to the appointment of a gentleman from outside the shores of India as Chairman of the Commission. Let any member of this House be made Chairman. I shall not object to that but I shall never agree to the appointment of either a Zemindar or a foreigner as Chairman of the Commission.

Sir Francis Floud will certainly come to India with certain instructions from the British Government, and the zemindars in this province are still thinking that in having Sir Francis Floud as the Chairman of the Commission they will have their desire fulfilled and the amendments to the Bengal Tenancy Act passed by us will be set aside as a result of the recommendations of the Commission, which they expect to be submitted by Sir Francis Floud. Sir, from the trend of the speeches of the Maharaj Kumar of Burdwan and some other zemindars, it would appear that they have not yet lost all hope. They are still

hoping that the amendments to the Bengal Tenancy Act, which we have passed, will all be set aside. That shows which way the wind blows. That shows that the report which will be submitted by the Commission, of which Sir Francis Floud will be the Chairman, will not be to the best interests of the tenants. Moreover, Sir, this report will be placed before the House of Commons and the House of Lords for final approval, and when they find that one of their best men was Chairman of the Commission they will feel diffident and hesitate to go against that report. That is one of the reasons, Sir, why the appointment of Sir Francis Floud as Chairman of the proposed Land Revenue Commission ought not to be supported. We should have a man of our own country to act in that capacity. Mr. Jalaluddin Hashemy has suggested the names of some gentlemen, and I think that we shall all agree that at least some of them are desirable persons——

(Here the member having reached the time-limit resumed his seat).

Mr. F. C. BRASHER: Mr. Speaker, Sir, on behalf of my party I rise to oppose the motion. I would ask the House to realise that in so opposing it I do so under a certain amount of personal difficulty which, I feel sure, would be shared by any member of my party who might speak on this motion. That difficulty is that it might be thought that I have risen to support the appointment of a European as Chairman of the Commission because he is a European. I trust that the House will realise—as you, Sir, will also realise—my difficulty in taking part in these discussions.

I have listened with great attention to what Mr. Abdul Bari has said and I can understand and sympathise with the views he has expressed. In the first place, however, we have to remember that what we are discussing is the effect of the appointment of a certain gentleman as Chairman of this Commission, and therefore we should turn our attention only to the question as to whether or not that gentleman is going to be fit and proper Chairman. One of the arguments which has been adduced against him is the fact that he has, so far as I am aware, no knowledge of Bengal or of its land tenure system. But, Sir, when I remember the heat generated by some of the debates on the Bengal Tenancy Bill, I sometimes wondered whether a knowledge of that system is not a very dangerous thing. What we have to realise is that at the present time Bengal has a system which is hopelessly out of date, which is full of abuses and which needs the most thorough reformation. I do not think that any member of this House will disagree with me when I make that statement. Therefore, it seems to me that the very fact that a Chairman is to be appointed who would bring to this Province an open mind on the subject and who is not in any way affected by the cross-currents which

affect us all in our discussions, is an inestimable boon. I would go so far as to say that if it were suggested that any member of this House should be appointed as Chairman of the Commission, such an appointment would be fatal. After all, I would not suggest myself as Chairman and, if I were to do so, the House would agree with me that I would be a most unsuitable person. Having searched my own mind, in that way, I would ask every member of this House to do the same thing. There is another point which I would like to make. Sir Francis Floud may not have any knowledge whatsoever of Bengal but he has a very wide and intimate knowledge of the agricultural problems, not only of Great Britain but also of one of the greatest agricultural countries of the world, I refer to the Dominion of Canada where he is the High Commissioner of the British Government; therefore, Sir, I should have thought that the knowledge which he would bring from other countries would be of very great advantage.

Sir, I regretted to hear the speech of my honourable friend Mr. Tamizuddin Khan. He made two statements which particularly affect my party and both of them are based upon fallacies. In the first instance, by a somewhat extraordinary process of reasoning, he came to the conclusion that, because the European Party was (in his own opinion) opposed to the interests of the tenants, therefore a European Chairman must *ipso facto* be opposed to the interests of the tenants. I know my friend Mr. Tamizuddin Khan well enough to say that he could not have realised not merely the absurdity of that suggestion but also its unworthiness. However, I will not dilate upon that point further.

The second point which he raised is that the European Party is opposed to the interests of the tenants. Sir, I denied that statement before and I would deny it again, because nothing is further from the truth. I have just now said that what we are faced with is the necessity for a complete revision, for a complete investigation into the whole of our land tenure system, and the European Party not only welcomes such an investigation but has pressed for it ever since this House first met. I would ask the House to look upon this problem not in the spirit of a party problem, not in the spirit of a communal problem, not in the spirit of a struggle between landlord and tenant, but as a problem which is a national one and which affects every one of us. It is therefore a problem which we should approach with an open and unbiassed mind, and so, in considering the appointment of this Commission and its Chairman, we should approach the subject in the same manner.

Sir, I would conclude by saying this: Mr. Tamizuddin Khan has thought fit to attack the European Party. We realise his sincerity of

purpose. But in realising his sincerity of purpose I would ask him and those who think with him, to realise our own equal sincerity.

Mr. SANTOSH KUMAR BASU: Sir, I shall begin by responding in a wholehearted manner to the appeal which has been addressed to this House by my honourable friend, Mr. Brasher. He has asked us not to look at this question from a narrow communal point of view or from a party point of view, but from a high national standpoint. Looking at the question from that high national standpoint, I cannot but confess to a sense of shame and humiliation when I read the communiqué which has been published in the *Calcutta Gazette* in regard to this matter. Sir, I cannot conceive of a greater disservice to the cause of Indian nationhood and Indian freedom than what has been done, consciously or unconsciously, by my honourable friends on the Treasury Benches. Sir, when I find that a gentleman has to be imported all the way from England or from Canada on the assumption that there is an utter dearth of impartiality, which is another name for sense of justice, in India, I cannot but confess to a sense of shame and humiliation as a son of India. I would ask each and every member opposite who has given any thought to this question to search his heart and to arrive at his conclusion whether the step taken by them and the declaration made by them do not constitute a condemnation of the entire Indian nation. The whole basis of this proposal, the whole foundation is this—that there is no one in India who can be considered to be impartial so far as the consideration of the conflicting claims of landlords and tenants is concerned. That is the plain and simple fact which stares us in the face while considering this matter. I shall be loath to believe that in his heart of hearts the Hon'ble the Chief Minister with a long record of patriotic service behind him before he came to adorn the Ministerial Bench will not confess to himself that he has bent us down by a deliberate act in the eyes of the rest of the world. My European friends will not possibly be able to realise the sense of shame, and the pang and anguish which stab us in the heart when we come to consider that in the year 1938 we have to proclaim before the world that India is so poor in impartiality and sense of justice that we have to go abegging in the market of the world for that commodity and even to make a costly purchase.

I would appeal to my honourable friends on the Treasury Benches not to consider this question from a narrow administrative point of view, but from the point of view of high national statesmanship. Let them consider whether being the custodians of the honour, dignity and prestige of this country they are to barter them away for any consideration whatsoever. Have they realised that aspect of the matter? It is not, as I have said, a question of administrative necessity; it is a question of national statesmanship. Providence has

ordained for the time being that they will be in the eyes of the world the custodians of India's honour. It is a sacred trust. They have accepted that trust. Let them discharge it in a manner befitting the dignity and tradition of this ancient land. The question of Hindus or of Mussalmans or of Christians does not enter into this controversy at all. It is a question of the fundamental prestige of the Indian nation. I refuse to believe that no one calling himself an Indian could be found to shoulder the responsibilities of the office of the Chairman of the Commission. I would not exclude even those Europeans who have made this country their temporary home. Look at the long role of British Judges who have adorned the highest tribunals in our country. Could you not search in their ranks for a man of the type of Sir Lawrence Jenkins (A VOICE: he is dead). Sir George Rankin who have been here and made this country their temporary home, and have acquainted themselves with the land laws and the land systems of this country. But there is absolutely no reason, no justification why we should travel beyond the shores of India for the purpose of finding out a man for this task. I am asking my esteemed friend the Chief Minister to make a pronouncement on the floor of this House. I shall confine my appeal only to him on the Treasury Bench on this occasion, because I know fully well his antecedents, his past ideals and his past record, and I do not think that he has said good-bye to those ideals as soon as he came to occupy his place on the Treasury Bench. Even now I join my appeal, my humble voice with that of Mr. Abdul Bari who, I feel, has spoken on behalf of a substantial section of the Coalition Party sitting before me. I would ask those members opposite who entertain views similar to mine to put pressure, the weight of their opinion and all the weight of their ideals upon the Government and I feel sure that such an appeal will not go in vain. For the time being I hope the Chief Minister will stand up and make a statement which will carry conviction to the members of this House that they are going to retrace their steps. I hope and trust that if the Chief Minister will on the floor of this House respond to the appeal which has been made by the members of his own group, he will certainly allay the fears and suspicions which have crept into the minds of many of his colleagues, in his own group; and I am sure he will by taking such a bold stand satisfy the desire, the suppressed desire in his own group to have a Chairman recruited in India—a Chairman either Hindu or Mussalman or Christian, I do not mind, but who belongs to India, who is a son of the soil and who will do credit to his country and will be a glory to the office he will be called upon to adorn.

Mr. SPEAKER: I am anxious that the Chief Minister should conclude the debate, but the Hon'ble the Revenue Minister should speak now; after that I may call upon other speakers, if there is time,

and then the Chief Minister. Will the Revenue Minister speak now? I find that there are still five minutes left; so another member may speak.

Mr. ABDUR RAHMAN SIDDIQI: It is difficult to express one's ideas within such a short time. We would like to express our ideas at greater length.

Mr. SPEAKER: The difficulty is about the time.

Mr. ABDUR RAHMAN SIDDIQI: That is my complaint also, Before I begin to speak on the actual subject under discussion to-day, I must fulfil a duty which no member has yet done. I must congratulate the proposer on his maiden speach in the House as a Leader of a new section which I should like to call another praja rump. I hope the time will soon come when his metempsychosis will be so complete that this House will see him metamorphosed into a *bombastes furioso* of the type of the Hon'ble Member for Satkhira.

Dr. NALINAKSHA SANYAL: Including yourself?

Mr. ABDUR RAHMAN SIDDIQI: If there be interruptions they will take away a further two minutes of mine.

Another point that no member has yet noticed is that in spite of their high idealism and lofty patriotism no member of the actual Congress Group was found to be so poor as to sponsor this great nationalistic motion for adjournment. The new leader of the new party need not be congratulated on acting as the cat's-paw. We also believe in nationalism and we also believe in patriotism and if my friends of the Congress pursuasion have not got the vision or are entirely bankrupt in the matter of nationalism, their tactics will not convince people who have got vision and who are really nationalist. I claim that the Chief Minister, who has been attacked so mercilessly to-day in sweet and unsweet languages, has shown the greatest statesmanship than any Indian Minister in India has done. I am no lover of Europeans as such and my friends know about it but knowing the constitution of India, which nobody has liked, knowing that our existence in this Hall is an unreality, I cannot allow realities to be ignored. The decision regarding any amendment of the land laws of Bengal, is not going to be an easy affair. Even if a European refuses, I will go down on bended knees to him and beg of him to preside over this Commission, because the final decision will be made in London, in the House of Commons and not in this country. My friend, the nationalists, the so-called nationalists, have done everything in their power to throw us into the lap of the Europeans. They did not come forward, they did not even try to change the land laws of Bengal

before. They are now trying to import Sir Tej Bahadur Sapru or Mr. Srinivas Shastri or suggesting the appointment of Khan Bahadur Abdul Momin. These three gentlemen are all Indians and we respect them. But we are anxious and we really and truly want the land laws in Bengal to be altered and, therefore, if Sir Francis Floud, is a really capable man, I do not know him and I know nothing about him—I have no objection to his appointment. After he has studied our case and understood our difficulties, after he has given us an indication of the lines on which the land laws of Bengal could be altered—this man will be our greatest advocate before the House of Commons and, perhaps, before the House of Lords. Then alone shall we be able to do even the smallest bit of service to the tenants whose rights alone are not the only rights to be protected in this land. As a Moslem Leaguer, I know that the land laws of Bengal have to be altered in the words of the Moslem League Manifesto "in the interests of all concerned". Between the landlords and the tenants there are smaller landlords and higher tenants. I shall not allow the whole social structure of Bengal to be upset in the interest of tenants alone whom I do not love any the less than our friends opposite. I do not believe in the division of society on an economic basis. Landlord and Tenant, Capital and Labour have no meaning for a Muslim. I want justice to be done to one and all and I am anxious to remove the antediluvian system of land tenures to be put right and modernised. We have to examine the whole problem and remove genuine grievances and hardships. (On account of interruptions the member here became inaudible.) They should be safeguarded in a manner in which the whole of Bengal may be put on a proper basis. However, looking at the clock, Sir, I do not want to say any more but I would only suggest that the only statesmanship and the only political vision in the matter of this Commission, has been shown by the Hon'ble the Chief Minister in the appointment of Sir Francis Floud as its Chairman and, under existing conditions, we must accept an Englishman as President of this Commission. That way alone can we serve the cause of the tenants of Bengal and bring prosperity to them.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I have listened with attention, and if I may say so, with respectful attention, to what has fallen from the previous speakers. Sir, it is a matter of sincere regret that the sincere solicitude of Government to vindicate the rights and privileges of the tenantry of Bengal should be so much misunderstood and misinterpreted, and if I may say so, exploited by my friends opposite. A Ministry that is responsible for placing the Bengal Tenancy Bill on the legislative anvil and which is now in a fair way to become a law of the land certainly are friends of the tenants (Dr. NALINAKSHA SANYAL: Yes, friends of the tenants in spite of you!) and my friends opposite who did not support the

Bill when it was before the House now comes forward and pose as friends and saviours of the peasantry of Bengal (hear, hear). (Dr. NALINAKSHA SANYAL: These friends of the peasantry wanted more for them.)

Sir, I have known my friend, the mover of this adjournment motion, Maulvi Tamizuddin Khan all my life to be a sober, dignified gentleman and it is a matter of sincere pity that he should lose his balance because of certain facts which are very well known to members of this House and I need not dilate on them.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Can the Hon'ble Minister refer to a member as "losing his balance"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, Government are anxious that there should be a thorough and comprehensive enquiry into the land tenure system of this province. Their objective is one and one alone, namely, that the land tenure system should be so modified as to improve the economic condition of the peasantry of Bengal. I think, Sir, a thorough and comprehensive enquiry is a condition precedent to such a modification, and nobody can deny that without such an enquiry it is almost impossible to change the land laws of Bengal that have been in force over 150 years. Government declared a few days ago on the floor of this House that they were anxious to appoint a Commission with an impartial Chairman and they have redeemed that pledge. It has been suggested by several speakers that for selecting an impartial Chairman Government should not have and need not have gone across the seas. Sir, not only should the Chairman be impartial but all parties must feel that he is impartial. That is the main criterion. Unfortunately, in this country the economic cleavage and communal cleavage run parallel and it is no use trying to ignore that unfortunate reality. (Mr. TULSI CHANDRA GOSWAMI: Who is this Sir Fracis Floud and what is this Sir Francis Floud?) My hon'ble friend Mr. Santosh Kumar Basu, though trying to criticise Government's action, unconsciously and intuitively suggested that men like Sir Lawrence Jenkins or Sir George Rankin might be appointed as President of the Commission, but, Sir, they are no less Englishmen. (Mr. SANTOSH KUMAR BASU: But they know more of the land laws of Bengal than your Chairman.)

Mr. SARAT CHANDRA BOSE: May we know, Mr. Speaker, who is this Sir Francis Floud and what is he?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I am coming to that. Sir Francis Floud was in the Home Civil Service. In 1894 he started his career in the Board of Agriculture. (Dr. NALINAKSHA SANYAL: As a clerk?) He was a Permanent Secretary for several

years to the Board of Agriculture. He was also the Chairman of the Board of Customs and Excise in which he acquired considerable experience about various forms of taxation. (Dr. NALINAKSHA SANYAL: What has that to do with the knowledge of land laws here or anywhere else?) Then he went to Canada as High Commissioner, a post which is analogous to that of an ambassador in foreign countries. He is a man of vast and varied experience and is also a Barrister-at-Law and of proved administrative ability and capacity. (Dr. NALINAKSHA SANYAL: We want judgment and not administrative ability and capacity.)

Mr. SARAT CHANDRA BOSE: Mr. Speaker, may we know if Sir Francis Floud had anything to do with any Land Commission at any time in his life?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it has been suggested that Government ought to have selected an Indian as Chairman, but I find nothing wrong in borrowing experience from other countries. Russia is borrowing scientific experience from England, Turkey is borrowing experience from other countries, and I believe Sir George Schuster's assistance was taken by Persia in solving certain financial problems. Sir Otto Niemeyer's services were utilised by some of the continental countries——

Dr. NALINAKSHA SANYAL: Is it relevant to refer to Sir Otto Niemeyer who is an expert in financial matters——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He is an expert in financial matters like my friend Dr. Sanyal, and it is for that reason that his services were utilised by other countries.

Mr. Tamizuddin Khan has asked, why should a European be selected? I would just challenge Mr. Tamizuddin Khan to deny whether he did or did not approach the members of the past Government and members of the present Government times without number with the request that Moslem officials should be placed in the district of Faridpur and failing that European and not Hindu officials should be selected. Let him deny that. That shows that he has no confidence in Hindu officials, and I am sure if a Hindu were selected, Mr. Tamizuddin Khan would have said that the Moslem community would have no confidence in that Chairman. Similarly, probably, if a Moslem were selected there would have been similar criticism from any friends opposite——

Mr. TULSI CHANDRA GOSWAMI: Certainly ——

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, I do protest against that remark.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Let him protest after I sit down. I am not going to give way.

Mr. SARAT CHANDRA BOSE: I may say that possibly the Revenue Minister will remember that when he put a question to me, I said in reply that there were numerous Moslem and Hindu Judges who were qualified to be the Chairman of the Commission.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Mr. Bose of the Nationalist party has been fighting against the Communal Award, and it does not lie on his lips to say that he has no confidence in Europeans.

Dr. NALINAKSHA SANYAL: Because communalism is most anti-national.

Maulvi ABDUL BARI: No, on the other hand, that is the most national thing.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I would remind the House that the decisions of the proposed Commission are not going to be final. This House will be the final arbiter of this question, and this House will have ample opportunity to consider the recommendations of the Commission. The Commission will consist of representatives of various interests in Bengal. It should not be argued that simply because a European has been selected as Chairman, the usefulness of the Commission will be any less than if it were otherwise. The success of the Commission depends very much on the public confidence that it will command. And Government honestly felt that the public confidence would be very much greater if an impartial chairman could be placed at its head, and naturally their thought first of all went to the selection of an Indian, but they were very much handicapped by the communal and other differences, and they had no other alternative than to select a man of great experience and on whose judgment everybody would have considerable confidence.

With these few words, Sir, I would oppose the adjournment motion.

(Mr. Speaker called on the Hon'ble the Chief Minister to speak.)

(At this stage the motion that the question be now put was put by a member of the opposition.)

Dr. NALINAKSHA SANYAL: Now, that a closure motion has been movd by my friend, I submit it should be put to the House first before you, Sir, call on the Hon'ble the Chief Minister to speak.

Mr. SPEAKER: There was a great shout and I did not hear the closure motion. I called upon the Hon'ble the Chief Minister to speak for the reason that one of the leading members of my left appealed to the Chief Minister personally. I hope the Hon'ble the Chief Minister will conclude his speech before 8 o'clock.

Dr. NALINAKSHA SANYAL: Let there be a time-limit for five minutes.

The Hon'ble Mr. A. K. FAZLUL HUQ: You can go on abusing me for 50 minutes, and you want me to speak for only five minutes—this is justice!

Sir, I am not afraid of a closure motion or of divisions taken in this House. Thank God, times without number we have shown that we are in a majority. (A MEMBER: Doubtful.) Yes, the division will show that. I extremely regret to say that on a day when we have to pass finally the Bengal Tenancy Amendment Bill, some one representing the Opposition should have thought fit to adopt dilatory tactics (OPPOSITION BENCHES: Question) and try to oppose the passage of that Bill——

Mr. TULSI CHANDRA GOSWAMI: That is absolutely untrue.

Coalition Benches: Shame.

Mr. SPEAKER: I think if the members are anxious to proceed quickly with the debate on the Bengal Tenancy Amendment Bill, there should be no interruptions from one side and no cries of shame on the other side. I hope honourable members will allow the Hon'ble the Chief Minister to speak without interruption in a calm house.

Dr. J. M. DAS GUPTA: I hope the Hon'ble the Chief Minister will also speak calmly.

The Hon'ble Mr. A. K. FAZLUL HUQ: I will. I also regret that in the debate so much has been imported regarding the supposed slur that has been cast on Indians as a nation by the appointment of a European as Chairman. I appeal to the House to consider this question dispassionately and to take it from me that Government in coming to this decision had not the slightest intention of casting a slur on themselves. The appointment of a European was a matter of unavoidable

necessity. May I, Sir, remind this House that to our eternal shame Indians have been found wanting in any particulars which are essential to the composition of advanced nationality. India has produced one of the greatest poets which the world has ever known; India has produced one of the greatest scientists of whom any country could be proud; India has been great in many things but up till now she has not produced an Indian who could successfully solve the communal controversies in India. I was at the Round Table Conference more than once. Mahatma Gandhi was asked to solve this problem. Day after day we met, day after day we deliberated and at the end of the deliberations Mahatma Gandhi himself said—I confess with a sense of shame that I have not been able to solve this problem——

Dr. NALINAKSHA SANYAL: Because Europeans were there.

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, I know Europeans were there. Mahatma Gandhi is to-day in Calcutta and you can ask him whether this was not a fact. If anybody, any Indian, can solve the communal problem in India, I will shave my head and pour *ghol* on my head and go about with a wreath, of rotten mangoes round my neck as a confession of my ignorance——

Mr. M. SHAMSUDDIN AHMED: Why make this communal issue?

The Hon'ble Mr. A. K. FAZLUL HUQ: Because here it is landlordism versus tenantry. Here again feelings run high and strong, and we think and we hope that we are right in our decision, that we should get some one who will come and examine this question without any preconceived notion, without any prejudices, whose ignorance, if ignorance there was, was itself a bliss and whose ignorance of the peculiar conditions, before he came to judge of those conditions, was itself a great qualification——

Rai HARENDRA NATH CHAUDHURI: And an asset.

The Hon'ble Mr. A. K. FAZLUL HUQ: Now, Sir, Mr. Tamizuddin Khan has said that here is a conspiracy to rob the tenants. I submit, Sir, this is a very grave charge. I did not wish, but I am forced to make this remark, where was Mr. Tamizuddin Khan's solicitude for the tenants when during the elections he took shelter under the banner of the Muslim League spurning the nomination of the Proja party?

Now, Sir, I submit there is no use shouting slogans about projas and others. We are all here. I hope for the benefit of the tenantry. The problems are vast and complex. Let us put our heads together and try to come to a solution which will be satisfactory to all concerned. There is one thing which I ask the House to remember.

Although Sir Francis Floud has been appointed as Chairman, the entire personnel is now left for discussion and for determination. May be we may put in the Committee people who will command the confidence of all sections of the House, and who will be able by deliberations with the Chairman to come to a satisfactory solution of the very intricate problems relating to the land-laws of Bengal.

The question of cost has been raised. Now, Sir, I will say one or two words about this matter. Names have been suggested in this House of eminent Indians who could have been appointed Chairman. Without going into details I may tell this House that many of these gentlemen were approached by me personally and in many cases came the answer that they could not give me the time which was required for sitting on the Commission. There were others who could not come on a salary of less than Rs. 4,000 a month. We propose to give Sir Francis Floud a salary,— it is not yet settled—which will be much less than that sum, and I submit, Sir, that from the point of economy the appointment of Sir Francis Floud will be more economical, less costly than the appointment of any of the Indians whose names have been mentioned.

Now, Sir, is the question about importing men from outside. I know, if I may make a reference to local conditions, when Congressmen in Bengal want to strike they get agitators from Lucknow and Allahabad. Where is the sense of nationality then? Unless the Pandit comes from Allahabad——

Dr. J. M. DAS GUPTA: You get somebody from Peshawar. We won't object.

The Hon'ble Mr. A. K. FAZLUL HUQ: I have gone one step beyond. That is all.

Dr. NALINAKSHA SANYAL: The question may now be put, Sir.

Mr. SPEAKER: I am afraid I will have to put this question though in the midst of the Chief Minister's speech. I have got time until 8-5, if the Hon'ble Minister will be able to finish his speech in two or three minutes, it is alright.

The Hon'ble Mr. A. K. FAZLUL HUQ: Now, Sir, only the other day Lord Linlithgow presided over the Agricultural Commission. There was no protest from any quarter.

Dr. NALINAKSHA SANYAL: Who appointed him?

The Hon'ble Mr. A. K. FAZLUL HUQ: Whoever may have appointed, there was no indication at that time. Lord Linlithgow's reports and proposals have been quoted everywhere and even by Dr. Nalinaksha Sanyal.

Dr. NALINAKSHA SANYAL: That was a Royal Commission.

The Hon'ble Mr. A. K. FAZLUL HUQ: May be a Royal Commission——

Mr. SANTOSH KUMAR BASU: It was not a Ministerial Commission.

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: On a point of order, Sir. You have repeatedly asked both sides of the House that when the Leader of the Opposition or the Leader of the House speaks we shall have to keep quiet. May we know, Sir, if that rule is not still in force as we see the Opposition are interrupting the Hon'ble the Leader of the House.

Mr. Speaker: I think it is extremely desirable that when the Leader of the Opposition or the Leader of the House speaks, it is to the interest of the House, it is to the dignity and the prestige of every member of the House, it is to the satisfactory working of the constitution and it is with a view that the Parliamentary work may properly function, that they should be given uninterrupted hearing.

The Hon'ble Mr. A. K. FAZLUL HUQ: Now, Sir, before I conclude I wish to make it clear that if an appeal is made to us to reconsider the question, it ought not to be done in the way in which my friend Mr. Hashemy has done. Mr. Hashemy has sought to impute motives to the Government. He has said that we have exhibited slave mentality and inferiority complex and all that. Sir, these phrases I submit were utterly unwarranted and uncalled for. It is true that in order to find out honest and impartial men we have only got to ransack the ranks of the Councillors of the Calcutta Corporation. That we have not done, but, Sir,——

Mr. KIRAN SANKAR ROY: Is it dignified, Sir, to say on the floor of the House?

Mr. SPEAKER: I am sorry, I haven't heard it.

Mr. SANTOSH KUMAR BASU: Is the Prime Minister excluding himself who was an ex-Mayor elected by those same people?

The Hon'ble Mr. A. K. FAZLUL HUQ: If that is objected to, Sir, I withdraw that expression. It was only paying back in the same coin. I hope, Sir, we are quits, and we bear no ill-will against each other. Now, Sir,——

Dr. NALINAKSHA SANYAL: The question may now be put, Sir.

Mr. SPEAKER: The question has now been put that the question may now be put. I think the matter has been substantially debated. It is entirely for the House to decide as to whether the closure should be accepted or not. I find that two hours is the limit and when closure is moved at about 3 minutes to eight, I should accept it, because short of that I will be guilty of allowing this debate being talked out. I do not think that the Speaker should be brought to that position. It is entirely for the House to decide.

The question before the House is that the question be now put.

The motion being then put, a division was taken with the following result:—

AYES.

Abdul Halem, Khan Bahadur Syed.
Abdul Hakim, Maulvi.
Abdul Majid, Maulvi.
Abdul Majid, Mir, Syed.
Abdul Waheed, Maulvi.
Abu Hossain Sarkar, Maulvi.
Abul Fazl, Mir, Md.
Allah Ali, Mir.
Ahmed Ali Mridha, Maulvi.
Ahmed Khan, Mir, Syed.
Azimuddin Ahmed, Mir.
Banerjee, Dr. Suresh Chandra.
Banerji, Mir, P.
Banerjee, Mir, Pramatha Nath.
Banerji, Mir, Satya Priya
Banerjee, Mir, Dhanik.
Banerjee, Mir, Manoranjan.
Barma, Babu Promhari.
Barman, Babu Shyama Prasad.
Basu, Mir, Santosh Kumar.
Bhaumik, Dr. Gobinda Chandra.
Biswas, Mir, Surendra Nath.
Bose, Mir, Sarat Chandra.
Chakraborty, Babu Narendra Narayan.
Chakraborty, Mir, Jalindra Nath.
Chattopadhyay, Mir, Haripada.
Chaudhuri, Rai Narendra Nath.
Das, Babu Mahim Chandra.
Das, Babu Radhanath.
Dey, Mir, Hemachan.
Dey, Babu Debendra Nath.
Dey Gupta, Babu Khagendra Nath.
Dey Gupta, Dr. J. N.
Dey Gupta, Mir, Narendra Nath.
Dolia, Mir, Dhirendra Nath.
Doloi, Mir, Narendra.
Dutta, Mir, Sukumar.
Dutta Gupta, Miss Mira.
Emdadul Haque, Kazi.
Fazlur Rahman (Mukhtar), Mir.
Ghose, Mir, Atul Krishna.
Giasuddin Ahmed, Mir.
Giasuddin Ahmed Choudhury, Alhadj.
Goswami, Mir, Tulsi Chandra.
Gupta, Mir, Jogesh Chandra.
Gupta, Mir, J. N.
Hasan Ali Choudhury, Mir, Syed.
Himatsingka, Mir, Prabhudayal.
Jalaluddin Hashemy, Mir, Syed.
Jonab Ali Majumdar, Maulvi.
Kazem Ali Mirza, Sahibzada Kawas Jah Syed.
Kumar, Mir, Atul Chandra.
Kunda, Mir, Nishitha Nath.
Mafizuddin Ahmed, Dr.
Maiti, Mir, Nikunja Behari.
Maitra, Mir, Surendra Mohan.
Maji, Advaita Kumar.
Majumder, Mrs. Nemaprova.
Mazumder, Mir, Birendra Nath.
Mal, Mir, Iswar Chandra.
Mandal, Mir, Jogendra Nath.
Monirumzaman Islamabadi, Maulana Md.
Moqbul Hossain, Mir.
Mookerjee, Mir, Syamaprasad.
Mukerji, Mir, Dhirendra Narayan.
Mukherjee, Mir, B.
Mukherji, Dr. N. C.
Mukherji, Dr. Sharat Chandra.
Mullick, Srijut Ashutosh.
Nawab Ali Dewan, Maulvi.

Mazumdar, Mr. Ram Chandra.
Mitra, Mr. Tulsidharan.
Muniruddin Ahmed, Mr.
Roy, Mr. Charu Chandra.
Roy, Mr. Kamalkrishna.
Roy, Mr. Kiran Sankar.
Roy, Mr. Kishori Pati.
Roy, Mr. Manmatha Nath.
Sattarkhan, Al-Haj Maulana Dr.
Sanyal, Dr. Kalidasha.
Sanyal, Mr. Sasanka Sekhar.
Sen, Babu Nagendra Nath.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Sinha, Srijut Manindra Bhusan.
Sur, Mr. Narendra Kumar.
Tamizuddin Khan, Maulvi.
Thakur, Mr. Pramatha Ranjan.
Yousuf Mirza.
Yusuf Ali Choudhury, Mr.
Zaman, Mr. A. M. A.

NOES.

Abdul Azim, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Mirza.
Abdul Hafiz Mia, Mr.
Abdul Hakeem, Mr.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi.
Abdul Jabbar Patwari, Mr. Md.
Abdul Latif Biswas, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rashid Mahmood, Mr.
Abdur Rashed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Dr. Shah.
Abdur Razzak, Maulvi.
Abdus Shahed, Maulvi Md.
Abdur Reza Chowdhury, Khan Bahadur.
Abul Hashim, Maulvi.
Abul Hosain, Mr. Ahmed.
Abul Quasem, Maulvi.
Acharyya Choudhury, Maharaja Sashi Kanta, of Muktagacha, Mymensingh.
Afzal Hosain Sardar, Maulvi.
Ahmed Ali, Khan Sahib Maulana Enayetpuri.
Ahmed Hosain, Mr.
Altafuddin Ahmed, Khan Bahadur.
Aminulla, Maulvi.
Amir Ali, Md. Mia.
Anderson, Mr. J. P.
Asgarul Azim, Khan Bahadur, Md.
Ashrafuddin, Mr. M.
Asiad Hossain Khan, Maulvi.
Asgar Ali, Maulvi.
Bagnerman, Mr. H. C.
Barkat Ali, Mr. Md.
Barma, Mr. Puspajit.
Biswas, Babu Lalshmi Narayan.
Brasher, Mr. P. S.
Campbell, Dr George.
Chippendale, Mr. J. W.
Das, Mr. Anukul Chandra.
Das, Mr. Kirti Bhushan.
Esther, Mr. Upendranath.
Farhad Bana Chowdhury, Mr. M.
Farhat Bano Shamsun, Begum.
Fazlul Haq, the Hon'ble Mr. A. K.
Fazlul Qadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Ferguson, Mr. R. H.
Gomes, Mr. S. A.
Griffiths, Mr. G.
Gurung, Mr. Damber Singh.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hashem Ali Khan, Khan Bahadur Maulvi.
Hasina Murshed, Mrs.
Hatemally Jamadar, Khan Sahib.
Haywood, Mr. Rogers.
Hendry, Mr. David.
Hirtzel, Mr. H. A. F.
Homan, Mr. F. T.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jalaluddin Ahmad, Khan Bahadur Maulvi.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Sahib.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtabuddin Ahmed, Khan Bahadu
Mandal, Mr. Amrita Lal.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Millar, Mr. G.
Milne-Robertson, Mr. C. E. L.
Mohammed Ali, Khan Bahadur.
Mohsin, Mr. Md.
Moslem Ali Mollah, Maulvi.
Mozammel Haq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ishaque, Maulvi.
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Makunda Behary.
Mullick, Mr. Putlu Behary.
Musharruf Hossain, the Hon'ble Nawab Khan Bahadur.
Mustaqwal Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Kasimbazar.
Naharullah, Nawabzada K.

Ghuznavi, the Hon'ble Mr. Syed.
Hashmuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Hussaddin, Mr. K.
Hudson, Mr. H. R.
Fazlan, Mr. W. G.
Paul, Sir Hari Sankar.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ray Chaudhury, Mr. Birendra Kishore.
Razzar Rahman Khan, Mr.
Roy, Mr. Dhananjoy.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Rai Bahadur Kshirod Chandra.
Roy, Babu Pativam.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, the Hon'ble Mr. Nalini Ranjan.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Jogesh Chandra.
Serajul Islam, Mr.
Shahabuddin, Mr. Khwaja, C. B. E.
Shamsuddin Ahmed Khandkar, Mr.
Shamsul Huda, Maulana.
Singha, Babu Kshetra Nath.
Sirdar, Babu Lilla Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Chaudhury, Maulvi Haji.
Wahid Rahman, Maulvi.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Wordsworth, Mr. W. G.
Zaher Ahmed Chaudhury, Maulvi.

The Ayes being 91 and the Noes 135, the motion was lost.

The Bengal Tenancy (Amendment) Bill, 1938.

Mr. SPEAKER: As the debate would have continued but for the fact that the limit of two hours has been reached, I hold that the motion is automatically talked out.

We shall now resume discussion of the amendments to the Bengal Tenancy (Amendment) Bill, 1938. I propose, with the consent of the House, since I find a very large number of amendments either redundant or unnecessary, to go through the list of amendments and call out one after another and ask the members concerned to move such amendments as are in order and which they want to move formally, and after that I shall ask members to make speeches on all the amendments together. I shall, however, put each amendment separately.

Clause 6.

Mr. SURENDRA NATH BISWAS: Sir, I want to move amendment No. 28 which stands in my name.

Mr. SPEAKER: I don't think that it is in order.

Mr. SURENDRA NATH BISWAS: I submit, Sir, that it is quite in order. Will you kindly allow me to explain?

Mr. SPEAKER: I consider that this amendment is not in order because the sub-section referred to in it has not been touched by the Council at all.

Mr. SURENDRA NATH BISWAS: Sir, I would draw your attention to one thing, and I hope that after hearing me you will be pleased to decide in my favour.

In the proposed sub-section (*3*) under clause 6 you will find that from the fifth line to the seventh line there are certain words which

which are included in square brackets—these words are: "including any person whose application under sub-section (*4*) has been granted". If these words have been omitted by the Council, then I submit that my amendment is in order, but if they have not been omitted then, of course, my amendment is not in order.

Mr. SPEAKER: Yes, I am sorry. I find that these words have been omitted.

Mr. SURENDRA NATH BISWAS: In that case, Sir, I submit that my amendment is in order.

Mr. SPEAKER: All right, then you will please formally move your amendment.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 6 in sub-section (*4*)(*b*) of proposed section 26F in line 7 for the words and figure "sub-section (*2*) "the words and figures "sub-section (*2*) and (*3*)" be substituted.

Sir, I also beg to move that inclause 6 in sub-section (*4*)(*b*) of proposed section 26F in line 8 and also in line 9 for the word "applicant" the word "application" be substituted.

Mr. SYED JALALUDDIN HASMEY: Sir, I beg to move that the following new clause be inserted in clause 6 after sub-section (*5a*) of proposed section 26F, namely:—

"(*5aa*) In making the said apportionments the Court shall also record findings regarding division of the holding as well as division of rent according to the shares of the applicants."

Sir, I will not make any speech.

Maulvi ABU HOSSAIN SARKAR: Sir, I beg to move that in clause 6 in proposed sub-section (*9*) of section 26F in line 1 after the word "lie" the words "only by the contending tenant or tenants affected" be inserted.

Sir, I too, will not make any speech.

Mr. DHIRENDRA NATH DATTA: Sir I beg to move——

Mr. SURENDRA NATH BISWAS: On a point of order, Sir. Is this amendment in order?

Mr. SPEAKER: I am doubtful whether it is in order or not. Any way, Mr. Dutta, you can formally move it for the present.

Mr. DHIRENDRA NATH DATTA: Sir, I beg to move that in clause 7(*6*) in proposed sub-section (*6*) of section 26G in the last line after the words "civil court" the words "and subject to the appeal to the ordinary civil appellate court" be added.

Mr. SPEAKER: I am afraid that this amendment is not in order, as the Council has not touched this sub-section at all.

Amendments No. 44 is also out of order.

Mr. SPEAKER: Amendments Nos. 49 to 53 are redundant and, therefore, cannot be moved. Amendments Nos. 54 to 57 also are redundant and need not be moved.

Maulvi ABU HOSSIAN SARKAR: Sir, I beg to move that in clause 20, proposed sub-section (2) of section 74A be deleted.

Mr. SURENDRA NATH BISWAS: Sir, I beg to move that in clause 20 for sub-section (2) of proposedd section 74A the following be substituted, namely:—

"(2) No appeal shall lie against an order imposing a fine under this section."

Mr. SPEAKER: Amendment No. 64 is outside the scope of the Bill.

Mr. SPEAKER: Amendment No. 66 is out of order.

Mr. SPEAKER: The following are the motions which have been moved only, namely, Nos. 16, 17, 18, 28, 29, 35, 38, 42, 58 to 60, 77, 81, 87 and 88.

Now, I may say that if we finish the Bengal Tenancy (Amendment) Bill in the course of half an hour to-night, I propose to take up to-morrow questions and the privilege motion and the motion which Sir Nazimuddin has to move. I do not think there is any other business left.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I oppose all the amendments on the simple ground that if any of the amendments is accepted it would mean that the Bill will have to go to the Upper House and the contingency of a joint sitting would arise which means that the passing of the Bill will be deferred by about 12 months.

Mr. SPEAKER: I would now put the motions one after another.

Mr. SURENDRA NATH BISWAS: Sir, with reference to my amendments Nos. 16, 17 and 18 I want to say a few words with your permission.

Mr. SPEAKER: I have been waiting for the last few minutes but nobody rose to speak. However I am quite prepared to allow you a few minutes to speak.

Mr. SURENDRA NATH BISWAS: Sir, I have already pointed out that my amendments will make the right of the co-sharer to pre-empt

more easy than what it was before. This proviso to which my amendments relate, I mean proviso to sub-section (5) of the proposed section 26C, provides that if a transfer is subsequently set aside or modified by a competent authority then the co-sharer tenants may be placed in a very false position, in the case of a transfer being effected in the name of a co-sharer transferee. If that transfer is set aside and no notice is given to the co-sharer tenants which my amendments proposed to give, then under section 26F which prescribes time-limit of 4 months from the date of the transfer, the right of pre-emption will expire after 4 months and the co-sharers will be deprived of the right, which this House has gladly given them.

Dr. NALINAKSHA SANYAL: Sir, I rise to support the amendment of my friend Mr. Surendra Nath Biswas. In doing so I want definitely to make our position clear and that is that from this side of the House we do not desire to make the slightest delay in the passing of the Tenancy Bill. On the other hand, I must lay the charge of having delayed the entire passing of this Bill at the door of the Government (cries of "No, No" from the Coalition Group). In the Legislative Council, Sir, the Government suddenly changed their tactics and moved for a Select Committee. We have known how that Select Committee went into the question——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I know, Sir, how this is pertinent to the subject under discussion?

Mr. SPEAKER: This is pertinent to the quick finishing of the work of the House.

Dr. NALINAKSHA SANYAL: We wanted the supporters of the Government not to hurry through these important and salutary measures and in their hurry to retain things in the Bill which are against the interest of the tenants. I would like them to lay their hands on their hearts—and I would specially ask Mr. Bari to lay his hands on his heart—and say if the changes introduced by the Council have been in the interest of the tenants or in the interest of the landholders. In all these amendments which have been opposed in extenso in an omnibus opposition motion by the Minister in charge, you will notice one important running feature and that is that they are all in the true interest of the tenants and not in the interest of the landholders. I would like this to be particularly drawn attention to that although we on this side of the House urged that this Bill should come into operation from the 31st March next, the tactics adopted by the Government led to change the date to 31st May. In this way we lost one more *tamadi* which the tenants have got to go through.

Sir, the landlords have definitely gained. I must make it clear that all the amendments moved by the Opposition group have been, one and all, in the real interests of the tenants and nothing else.

The Hon'ble Minister in charge of Revenue has been serving dual masters. On the one hand he has to serve his constituency and perhaps his friends and on the other he has to serve a Cabinet dominated by the Coalition Party. And at the last stage, I know how he had to go kneeling down to the Europeans to ask them to withdraw their opposition to this Bill when it came before the Legislative Council. When the Hon'ble Minister wanted seriously to move his Select Committee motion in the Council, did the Coalition Party and the Government realise what implications that would mean—whether there would be a joint session needed thereafter or not? I would ask them to understand the situation very clearly and not merely to show in their enthusiasm that they have hurridly passed an Act but to consider seriously whether this Bill as modified by the Council has been in the interest of the tenants or of the landholders. That is exactly why we want these matters to be clearly examined not rushed through in this way.

Sir, what after all has been done? A day's delay would not have brought the heavens down. It would of course mean that the exodus of the Hon'ble Ministers to the cool heights of Darjeeling may be delayed (cries of "No, No" from the Government benches).

It is after all very clear from their own motion and from the motion of the Ministerial group that this Bill cannot come into effect before the 31st May or near about that date. So one day's delay will not matter much. Let us examine the merits of the clauses; and instead of rushing through things only to get pleasure and comfort of a journey to the hills by the Ministers let us examine the amendments thoroughly and squarely before we come to any final decision. With these words, I support the amendment moved by my friend Mr. Surendra Nath Biswas.

The following motions were put and lost:—

Mr. Surendra Nath Biswas to move that in clause 4 in the second proviso to sub-section (*5*) of proposed section 26C, line 5, for the words "landlord was a party" the words "landlord or his common agent and the co-sharers of the transferor were parties" be substituted.

Mr. Surendra Nath Biswas to move that in clause 4 in the second proviso to sub-section (*5*) of proposed section 26C, line 7, for the words "fee for a notice" the words "notices and notice fees similar to those referred to in sub-section (*1*)" be substituted.

Mr. Surendra Nath Biswas to move that in clause 4 in the second proviso to sub-section (*5*) of proposed section 26C at the end of the last line, after the word "accordingly", the words "and the co-sharers of the transferor may apply under section 26F" be added.

Mr. Surendra Nath Biswas to move in clause 6 in sub-section (*4*) (*b*) of proposed section 26F in line 7 for the word and figure "sub-section (*2*)" the words and figures "sub-sections (*2*) and (*3*)" be substituted.

Mr. Surendra Nath Biswas to move in clause 6 in sub-section (*4*) (*b*) of proposed section 26F in line 8 and also in line 9 for the word "applicant" the word "application" be substituted.

Mr. Syed Jalauddin Hashemy to move that the following new clause be inserted in clause 6 after sub-section (*5a*) of proposed section 26F, namely:—

"(*5aa*) In making the said apportionments the Court shall also record findings regarding division of the holding as well as division of rent according to the shares of the applicants."

Maulvi Abu Hossain Sarkar to move that in clause 6 in proposed sub-section (*9*) of section 26F in line 1 after word "lie" the words "only by the contending tenant or tenants affected" be inserted.

Mr. Dhirendra Nath Datta to move that in clause 7 (*6*) to proposed sub-section (*6*) of section 26G in the last line after the words "civil court" the words "and subject to the appeal to the ordinary civil appellate court" be added.

Maulvi Abu Hossain Sarkar to move that in clause 20, proposed sub-section (*2*) of section 74A be deleted.

Maulvi Abu Hossain Sarkar to move that in clause 22 for sub-section (*4*) of proposed section 85A, the following be substituted, namely:—

"(*4*) An appeal shall lie to the ordinary civil appellate court from an order of a court under this section only in the case of refusing permission to surrender."

Mr. Surendra Nath Biswas to move that in clause 30 (*1*) (*a*) in line 1, for the word "nine" the word "twelve" be substituted.

Mr. Surendra Nath Biswas to move that in clause 30 (*2*) in sub-section (*2*) (*a*), line 2 of proposed section 147 (*2*) (*a*), line 2, for the words "or the balance of the rent due for" the words "due for not less" be substituted.

Mr. Surendra Nath Biswas to move that in clause 30 (*2*) of proposed section 147 (*2*) (*a*) in line 3 the words "or years" be omitted.

Mr. SPEAKER: Now I have to put the amendments made by the Council. Unless the House agrees to put them *en bloc* I put them separately.

Dr. NALINAKSHA SANYAL: It is not a question of the House giving its opinion; it is a question for you to decide whether it will be in order or not.

Mr. SPEAKER: If I have to decide I shall put them separately.

The question before the House is that this House agrees to the amendment of clause 1.

The motion was put and agreed to.

The question before the House is that this House agrees to the amendment of clause 4.

The motion was put and agreed to.

The question before the House is that this House agrees to the amendment of clause 6.

The motion was put and agreed to.

The question before the House is that this House agrees to the amendment of clause 7.

The motion was put and agreed to.

The question before the House is that this House agrees to the amendment of clause 16.

The motion was put and agreed to.

The question before the House is that this House agrees to the amendment of clause 20.

The motion was put and agreed to.

The question before the House is that this House agrees to the amendment of clause 21.

The motion was put and agreed to.

The question before the House is that this House agrees to the amendment of clause 22.

The motion was put and agreed to.

The question before the House is that this House agrees to the amendmend of clause 24.

The motion was put and agreed to.

The question before the House is that this House agrees to the amendment of clause 30.

The motion was put and agreed to.

The question before the House is that this House agrees to the amendment of clause 38.

The motion was put and agreed to.

The question before the House is that the House agrees to all the amendments which have been passed by the Council.

The motion was put and agreed to.

A message to the other House will be sent accordingly.

Dr. NALINAKSHA SANYAL: May I request that along with the motions for to-morrow Government will be pleased to give us a

little time for discussing the non-official resolutions for which the Government definitely promised to give us a day.

Mr. JOGESH CHANDRA GUPTA: You will remember that on the day the privilege motion was discussed, the Chief Minister and also the Home Minister said that another day for the discussion of the non-official Bills will be allotted.

Mr. SPEAKER: What I suggest is that if the order of prorogation comes I will probably have to close the debate at about 7 o'clock, because several members on both sides informed me that they were anxious to leave Calcutta to-morrow night; so I propose to have roughly about two hours sitting to-morrow.

Will it be possible to meet to-morrow at 4-30 p.m. so that one of the prayer intervals may be dispensed with?

Several members from the Opposition Benches: We prefer to sit, Sir, from 4 to 7 o'clock.

The Hon'ble Mr. A. K. FAZLUL HUQ: May I enquire what will be the business to-morrow?

Mr. SPEAKER: There will be two items of business. First of all the questions: they will take up one hour and will take us into the prayer interval, which will take about 20 minutes; that means 1½ hours, i.e., about 5-30 p.m. if we meet at 4 o'clock. At 5-30 p.m. therefore we can take up the privilege motions. One has been raised by Dr. Nalinaksha Sanyal and the other which falls within this group, to be moved by the Hon'ble Sir Nazimuddin. These are the two other specific matters that have to be considered to-morrow, and I think 1½ hours will be sufficient for this purpose.

Mr. JOGESH CHANDRA GUPTA: What about the non-official Bills? I still hold a chit in my hand in the handwriting of the Hon'ble the Home Minister that one more day would be set apart for this business.

Mr. SPEAKER: That is for the Government to decide.

A member: What about the Government Bills?

Mr. SPEAKER: I do not think that there is any Government Bill outstanding. So, I take that there will be no objection to the House meeting to-morrow at 4 p.m. I therefore adjourn the House till 4 p.m. to-morrow.

Adjournment.

The House was then adjourned till 4 p.m. on Friday, the 8th April, 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Friday, the 8th April, 1938, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, eleven Hon'ble Ministers and 211 members.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Post of Assistant Labour Commissioner.

106. Mr. SUKUMAR DUTTA: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether the post of Assistant Labour Commissioner has recently been created?

(*b*) If so, were applications from candidates invited through advertisement and the recruitment made through the Public Service Commission?

(*c*) If not, why not?

(*d*) Whether it is a fact that an I.C.S. officer has recently been appointed as a whole-time Labour Commissioner?

(*e*) Will the Hon'ble Minister be pleased to state what special circumstances led to such an appointment?

(*f*) Whether there is any proposal to create a post of Assistant Secretary in the Commerce and Labour Department?

(*g*) Whether it is under contemplation that the Assistant Labour Commissioner will be delegated with the duties of Assistant Secretary in the Commerce and Labour Department?

(*h*) Whether there is any proposal to appoint other Labour Officers such as Investigators?

(*i*) Will the Hon'ble Minister kindly state to what extent the office clerical staff including typists has been increased to cope with additional work in the Commerce and Labour Department?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Yes.

(*b*) No applications from candidates were invited by advertisement as a suitable officer having special knowledge of labour already in the employment of Government was available for the post.

The recruitment was not made through the Public Service Commission as the post is a temporary one.

(*c*) *Vide* answer to clause (*b*).

(*d*) So far no officer has been appointed as whole-time Labour Commissioner. The Deputy Secretary, Commerce and Labour Department, who is also the Additional Deputy Secretary, Finance Department, is at present acting as the Labour Commissioner, Bengal, and has been given executive duties to perform.

(*e*) Does not arise.

(*f*) and (*h*) Yes.

(*g*) No.

(*i*) The question of increasing the clerical staff including typists in the Commerce and Labour Department is under consideration.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the educational qualifications of the Assistant Labour Commissioner?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not know.

Dr. NALINAKSHA SANYAL: Is it a fact that this Assistant Labour Commissioner does not hold any university degree?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of that fact.

Dr. NALINAKSHA SANYAL: Is it a fact that this gentleman held previously an appointment in the Special Branch of the Police Department?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes.

Dr. NALINAKSHA SANYAL: Is it a fact this gentleman has been selected because of the fact that he was instrumental in arresting a number of labour leaders when he was in the Police Department?

The Hon'ble Mr. H. S. SUHRAWARDY: Firstly, no; and secondly, I am not aware that he arrested any labour leaders when he was in the Police Department.

Dr. NALINAKSHA SANYAL: Is it a fact that this gentleman was associated with a number of raids on labour organisations?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of that.

Mr. DHIRENDRA NATH DATTA: What was his pay when he was in the Police Department?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of that, but his pay and allowances were not far below what has been given to him now.

Mr. DHIRENDRA NATH DATTA: What is his present pay?

The Hon'ble Mr. H. S. SUHRAWARDY: Rs. 650.

Mr. SIBNATH BANERJEE: What are the special qualifications of this Assistant Labour Commissioner regarding labour matters?

The Hon'ble Mr. H. S. SUHRAWARDY: I think that has been answered in the printed reply.

Number of enlisted Hindu and Muslim Contractors, Dacca Division.

107. Mr. ABDUL KARIM: Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) the number of Hindu and Muslim contractors enlisted up to date in each district under the Executive Engineer, Dacca Division; and

(*b*) the amount of work distributed to Hindu and Muslim contractors of each district during the last three years?

* **MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Kasimbazar):** The information readily available by the Communications and Works Department, Executive Division, is—

(*a*) :—

Hindus	131
Muslims	59

1934-35.

(b)—

	Rs.
Hindu	1,40,401
Muslim	62,380

1935-36.

Hindu	1,63,294
Muslim	72,018

1936-37

Hindu	1,56,830
Muslim	52,809

Chandi Talkie House & Co., Chatal.

108. Mr. HARENDRA DOLUI: (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that objections have been raised to the granting of licence to the Chandi Talkie House & Co., in the Ghatal subdivision?

(b) If so, what steps, if any, do the Government intend taking in the matter?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) Yes.

(b) None.

Staff for the Bengal Legislative Assembly Department.

109. Maulvi AZHAR ALI: (a) Will the Hon'ble Minister in charge of the Home (Constitution and Elections) Department be pleased to state whether recruitment of staff for the Bengal Legislative Assembly bears same proportion and ratio as those of Bengal Secretariat in respect of upper and lower divisions?

(b) Is the scales of pay both of upper and lower division ministerial staff equal to that of Secretariat?

(c) If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) No.

(b) The lower division pays are the same, but the upper division pay is slightly higher in the Secretariat than in the Assembly Department.

(c) It was not considered necessary to give the same pay in the upper division as is given in the Secretariat.

Maulvi AZHAR ALI: Will the Hon'ble Minister be pleased to state whether the Lower Division assistants of the Bengal Legislative Assembly will get the same privilege and prospects for promotion to the Upper Division as in the Secretariat?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe their chances are the same as in the office of any Head of a Department.

Temporary assistants serving at present in the various departments of the Secretariat.

110. Maulvi ABU HOSSAIN SARKAR: (*a*) Will the Hon'ble Minister in charge of the Finance Department be pleased to lay on the table a statement showing—

(*i*) the number of temporary assistants serving at present in the various departments of the Secretariat;

(*ii*) how many of them are—

(1) Hindus,

(2) Muhammadans, and

(3) other communities;

(*iii*) what are their educational qualifications;

(*iv*) the period of their service; and

(*v*) the method how they were recruited?

(*b*) Are the Government considering the desirability of having them absorbed in permanent vacancies in the near future?

(*c*) If not, why not?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): I would refer the hon'ble member to the reply I gave earlier in this session to unstarred question No. 99 put by Mr. Md. Abdul Hakim Vikrampuri.

Extension of service of the Assistant Officer in charge of the Bengal Drawing Office.

111. Maulvi ABDUL WAHAB KHAN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) whether Mr. S. C. Ghose, Assistant Officer in charge of the Bengal Drawing Office, is being granted repeated extensions;

(*ii*) whether he has got sufficient work to do; and

(*iii*) whether it is a fact—

(1) that the work of the Settlement Department has decreased to a considerable extent, due to the stoppage of Revisional settlement programme; and

(2) that there is one high officer in charge at the top of the Drawing Office?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of abolishing this post?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) He has been granted two extensions—one for a year and the second one for six months.

(*ii*) Yes.

(*iii*) (1) Not to a very great extent, as major operations are still in progress.

(2) Yes.

(*b*) Does not arise.

Maulvi ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state whether he will consider the desisability of abolishing the post of Assistant Officer in charge of the Bengal Drawing Office as his work has decreased to a considerable extent?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is not possible to abolish the post. The work has not gone down, on the other hand it has increased.

Feni Central Bank, Limited.

112. Maulvi ABDUR RAZZAK: Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state:—

(*a*) the borrowing and lending rates of the Feni Central Bank, Limited, and its affiliated societies—

(*i*) before 1933, and

(*ii*) the present rates; and

(b) the margin of profit of the Central Bank and its affiliated societies under each head of borrowings—

(i) before 1933, and

(ii) at present?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 112.

	Central Bank.			Affiliated societies.		
	Borrowing.	Lending.	Margin of profit.	Borrowing.	Lending.	Margin of profit.
	Per cent.	Per cent.		Per cent.	Per cent.	
As before 1933 ..	5·75	9·80	4·05	10·94	15·62	4·68
As at present ..	5·00	7·80	2·80	10·16	12·50	2·34

Civil Courts' employees.

113. Maulvi AZHAR ALI: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(a) the number of Muhammadan and non-Muhammadan employees (both upper and lower division separately) serving at present in the civil courts of Pabna;

(b) the number of vacancies occurred (both upper and lower division) in the civil courts of Pabna during the years 1932 to 1937; and

(c) number of appointments made during the said period from among the Muslim and non-Muslim candidates (number of Muslims and non-Muslims as well as Scheduled Castes be shown separately)?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur):

(*a*) *Upper grade.*

	Muhammadans	Non-Muhammadans.
	6	12 (includes 1 from Scheduled Castes).
	Lower grade.	
Permanent ..	30	48 (includes 3 from Scheduled Castes).
Temporary ..	7	11 (includes 2 from Schedule l Castes).

(*b*) 21.

(*c*)

Muslims	7
Non-Muslims	12
Scheduled Castes	2*
Total ...	21

*Includes one from the backward community.

Besides the above, the temporary appointments at the end of 1937 were 18 in the lower grade, which were distributed as follows—

Muslims	7
Non-Muslims	9
Scheduled Castes	2
Total ...	18

Union Boards and salaries of chaukidars and daffadars.

114. Maulvi MUHAMMAD ISRAIL: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether Government have made any

contribution to any Union Board in the entire Province under section 37 (b) of the Village Self-Government Act, 1919, for the salaries and equipment of the *daffadars* and *chaukidars* during the last five years?

(b) If the answer to clause (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) the amount of such contribution in each year;

(ii) the names of the Union Boards receiving such grants in those years;

(iii) the maximum grant to an individual board during the period; and

(iv) the principle according to which the contribution under the aforesaid section was made?

(c) If the answer to clause (a) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

(d) Will the Hon'ble Minister be pleased to state the amount spent annually for the salaries of *chaukidars* and *daffadars* and their equipment in the whole province during the last three years?

(e) Are the Government aware that the assessment list of a Union Board is not approved by the Circle Officer unless the assessment under section 37 (b) is sufficient in his estimation?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Syed Nausher Ali): (a) No.

(b) Does not arise.

(c) Government have not accepted responsibility for the payment of any portion of the cost of *chaukidars* and *daffadars* out of the Provincial Revenues.

(d) A statement is laid on the Library table.

(e) There is no such information before Government.

Mr. SASANKA SEKHAR SANYAL: With reference to answer (c), is the Hon'ble Minister aware that during the last budget discussion, the Hon'ble Minister in reply to a cut motion made a statement that a committee would be constituted for investigating into the matter, particularly with reference to the question of meeting the cost of chaukidars and dafadars from provincial revenues?

The Hon'ble Mr. SYED NAUSHER ALI: I think that matter is now under consideration of Government.

Mr. SASANKA SEKHAR SANYAL: At what stage is that committee now?

The Hon'ble Mr. SYED NAUSHER ALI: I cannot say exactly at what stage that matter now is.

Mr. SASANKA SEKHAR SANYAL: In view of a very strong demand from the public, will the Hon'ble Minister be pleased to see that the matter is considered at an early date?

The Hon'ble Mr. SYED NAUSHER ALI: I think the committee will be appointed as quickly as possible.

Educational programme for defective and feeble-minded children.

115. Mr. MANORANJAN BANNERJEE: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether the Director of Public Instruction, Bengal, has received a scheme for the education of the deaf from the Convention of the Teachers of the Deaf in India;

(*ii*) whether the Hon'ble Minister has seen that scheme;

(*iii*) whether the Government propose taking any step on that scheme; and

(*iv*) do the Government propose including the deaf, the blind, the feeble-minded and other defective children in the compulsory educational programme of the Province?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government propose inviting expert opinions for the formulation of an educational programme for all defective children in Bengal?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) (*i*) Yes.

(*ii*) No. It is now under consideration of the Director of Public Instruction, Bengal.

(*iii*) The scheme will be considered by Government on its receipt from the Director of Public Instruction, Bengal.

(*iv*) No.

(*b*) Does not arise.

Grants to the [illegible] Samity.

Mr. BARADA PROSANNA PAIN: (*a*) Is the Hon'ble Minister in charge of the Education Department aware of the work that is being done by the Bodhana Samity for the cause of the feeble-minded?

(*b*) What financial aid is the Samity getting from Government?

(*c*) Is the Hon'ble Minister aware that the Samity's activities embrace both educational and public health work?

(*d*) If so, are the Government considering the desirability of making both capital and recurring grants for running their—

(*i*) educational institution; and

(*ii*) medical institution?

(*e*) Are the Government considering the desirability for special legislation for tackling the problems of the feeble-minded?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) It receives a maintenance grant of Rs. 40 a month from the Education Department. A capitation grant of Rs. 546 was received by the Samity in 1937 from that Department.

(*c*) Yes. The institution is reported to be doing a certain amount of medical and public health work in addition to its educational work.

(*d*) (*i*) Yes, so far as the Education Department is concerned.

(*ii*) The Medical Department will no doubt consider the question of making a grant when the question of the education of mental defectives has been studied and understood in the light of what is being done in Western countries where special schools are maintained for the purpose.

(*e*) No.

Mr. BIRENDRA NATH MAZUMDAR: With reference to answer (*d*) (*ii*), will the Hon'ble Minister be pleased to state the time by which the question of education of mental defectives will be studied and understood in the light of what has been done in western countries?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is very difficult to say. It is in our programme, and we hope we will be able to do something very soon.

Recruitment in the staff of the Calcutta M[illegible]

117. Maulvi AMINULLAH: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the number of new recruitments in the staff of the Calcutta Madrassah within the last five years?

(*b*) Is it a fact that most of the vacancies in the Madrassah have been filled up by candidates from outside Bengal?

(*c*) Is it a fact that qualified candidates were available in Bengal?

(*d*) What is the number of the members of the Governing Body of the Calcutta Madrassah?

(*e*) How many of them are Bengali-Muslims?

(*f*) What is the number of students that were in "Alim" and "Fazil" classes in the Madrassah during the last five years and how many of them came out successful in the respective examinations of those two classes?

(*g*) What was the number of examiners for the Alim and Fazil Examinations during the last five years (to be stated year by year)?

(*h*) Was there any examiner from amongst the teachers of the Madrassahs of the Eastern Bengal?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Eight—4 in the Anglo-Persian Department and 4 in the Arabic Department of the Madrassah.

(*b*) No. (All the vacancies were filled up by Bengali-Muslims. including one domiciled in Bengal.)

(*c*) Does not arise.

(*d*) 12.

(*e*) 10 including one domiciled.

	Number in classes.	Number passed.
(*f*) Alim	404	243
Fazil	528	303

	1933	1934	1935	1936	1937
(*g*) Alim ..	17	17	17	17	16
Fazil ..	18	18	18	18	17

(*h*) Yes.

Condition of Indian teachers in European Schools.

118. Mr. BANKU BEHARI MANDAL: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the present time—

(*i*) the number of Indian teachers employed in European schools of Bengal and the percentage they bear to the total number of teachers employed there; and

(*ii*) the representation, if any, given to the Indian teachers in the Board of European Education and the Executive Committee of the European School Teachers' Association?

(*b*) Are there any rules to govern the appointment, promotion, suspension or dismissal of Indian teachers there?

(*c*) Is the Hon'ble Minister aware—

(*i*) that many European schools in Bengal do not provide for old age benefits such as pensions, provident fund, or gratuities for their employees; and

(*ii*) that there is no higher authority like the Board of Arbitration for Indian Teachers before whom their grievances may be placed in the matters of dismissal, forced resignation, etc.?

(*d*) If the answers to (*c*) are in the affirmative, do the Government propose taking any action to safeguard the interest of the teacher-employees?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) 61 Indian teachers (24 whole-time and 37 part-time) are employed in the European schools in Bengal and they form just over 7 per cent. of the total number of teachers employed there.

(*ii*) No direct representation is given on the Board of European Education to Indian teachers, but it is understood that there are Indian teachers who are members of the European School Teachers' Association which is allowed to nominate three members to the Board of European Education.

(*b*) No discrimination is made between whole-time Indian teachers and whole-time European teachers. The regulations of the Code for European Schools relating to the employment of teachers are applicable to all teachers in European schools, irrespective of race or creed.

(*c*) (*i*) The number of schools taking advantage of the Government Provident Fund scheme for non-Government schools is increasing year by year. The increase is limited, however, by the amount of money allotted annually for the purpose by Government.

(*ii*) According to the rules referred to in (*b*) above, no teacher may be dismissed from a school, either summarily or with due notice, save by the Governing Body, who shall in all cases of summary dismissal immediately report the fact with full particulars to the Inspector of European Schools, Bengal. The teacher who considers himself or herself unjustly dismissed shall be permitted to make a representation to the Inspector of European Schools, Bengal, and the Governing Body shall in such cases defer final action until they receive from the Inspector an expression of his views. No distinction is made in the Code between Indian and European teachers.

(*d*) In view of the answer to (*c*) (*ii*), no action is necessary.

Allotment of money for jute restriction propaganda work in each district.

119. Maulvi ABDUL WAHED: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the money allotted in the budget for 1938-39 for jute restriction propaganda work is proposed to be distributed in each district according to the proportion of its jute area?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state to whom the money would be entrusted for expenditure in each district?

(*c*) If the answer to clause (*a*) is in the negative, what is the reason for it?

(*d*) Is the Hon'ble Minister aware that a Jute Restriction Association has been established in each union?

(*e*) If the answer to clause (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether it is proposed to give each of the said association its share of the said money; and

(*ii*) if so, to which person in the union the allotted money will be entrusted for expenditure?

(*f*) If the answer to clause (*e*) (*i*) is in the negative, what is the reason for it?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): (*a*) Yes, generally.

(*b*) The money allotted for each district will be disbursed by the District Magistrate concerned.

(*c*) Does not arise.

(*d*) No. There may be such Associations in some unions but there is not one such Association in every union. For purposes of restriction propaganda, each jute-growing district has been divided into convenient units called "Control Charges".

(*e*) and (*f*) Do not arise.

Construction of a bridge near Enaitpur in the Serajganj Railway line.

120. Babu MADHUSUDAN SARKER: (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact—

(*i*) that a mile up the Ullapara station Serajganj Railway line is surrounded respectively by the villages Enaitpur, Bamangan and Sibpur on the south, east and north;

(*ii*) that there is only one railway culvert for the passage of water; and

(*iii*) that the lands are becoming unproductive and telling upon the health of the people owing to water-logging?

(*b*) Are the Government considering the desirability of requesting the Railway authorities for constructing a bridge near Enaitpur for the purpose?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) and (*ii*) Yes.

(*iii*) and (*b*) The matter is under investigation.

District Board of Jessore.

121. Mr. SERAJUL ISLAM: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that in the matter of nominating persons to the District Board of Jessore some unsuccessful candidates at the election were nominated?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) their number;

(*ii*) the elections in which they got defeated; and

(*iii*) what were the circumstances that led to this departure from his declared policy enunciated in his answer to unstarred question No. 62 on the 1st September, 1937, as printed on pages 839-40 of the official Report of the Proceedings of this House, Volume LI, No. 3?

The Hon'ble Mr. SYED NAUSHER ALI: (a) None of the persons nominated for the District Board was defeated at the election of the members of the District Board.

(b) Does not arise.

Defalcation of Contai Local Board fund, Midnapore.

122. Mr. ISWAR CHANDRA MAL: (a) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware of the defalcation of Contai Local Board fund?

(b) Are the Government considering the desirability of having the accounts of the said Board for the period from 1930 to 1937 audited by an Examiner of Local Accounts?

(c) Has the attention of the Hon'ble Minister been drawn to the resolution passed at a public meeting at Contai on the 7th December, 1937, demanding Government audit of the account?

(d) If the answers to (a), (b) and (c) are in the affirmative, will the Hon'ble Minister be pleased to state the nature of the steps taken by the authorities against those responsible for the defalcation?

(e) Will the Hon'ble Minister be pleased to state whether the said Board's office was inspected by the Chairman of the Midnapore District Board?

(f) If so, does the Hon'ble Minister propose to lay a copy of the said report on the table?

The Hon'ble Mr. SYED NAUSHER ALI: (a) and (d) to (f) A copy of the report of inspection of the Contai Local Board by the Chairman, District Board, Midnapore, and of the District Board resolution, dated the 25th September, 1937, on the subject, is laid on the Library table.

(b) and (c) No.

STARRED QUESTIONS

(to which oral answers were given)

Allowance to certain detenus.

***424. Mr. NISHITHA NATH KUNDU:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state why the following released detenus have not been given any allowance in conformity to the present policy of Government, namely:—

(1) Kshitish Das,

(2) Paresh Dutt,

(3) Bibhuti Guha,

(4) Kshamesh Chatarji,

(5) Gopal Kumud Sarswati,

(6) Jitendra Lahiry,

(7) Kumud Ray,

(8) Shibnath Samajdar,

(9) Sachindra Chakrabarty,

(10) Jyotis Sen, and

(11) Kalidas Ghatak?

The Hon'ble Khwaja Sir NAZIMUDDIN: It will take some time to collect the information required by the hon'ble member and it will be supplied as soon as it is ready.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister be pleased to state if Government is making any distinction in granting allowances to detenus who were released with some restrictions, and if so, what are the reasons?

The Hon'ble Khwaja Sir NAZIMUDDIN: Before the release of the 1,100 detenus in 11 days Government decided that it would take a very long time if they were to make enquiries and give allowances in deserving cases. So they decided to give an allowance for six months to all those people who were released at a time.

Mr. ATUL KRISHNA GHOSE: Is it not a fact that the said detenus sent in an application to the District Magistrate to have a license to start a cinema house with a view to earning their livelihood, but this has been refused?

Mr. SPEAKER: That question does not arise in this connection.

Mr. ATUL KRISHNA GHOSE: I submit that it does arise. Here is a specific case regarding this matter and it has been stated that sufficient opportunities would be given to the detenus to earn their livelihood.

Mr. SPEAKER: But that is not the question at issue. The question is of granting allowance, and that is a different matter altogether.

Mr. NISHITHA NATH KUNDU: Before putting my supplementary question I want to draw your attention to the statement that the Hon'ble the Home Minister made on the 9th August 1937: "We,

propose to give suitable allowances for a limited period to released detenus whose family circumstances make it justifiable to incur this expenditure from public funds. Our object is to give the released detenus an opportunity of settling down to some occupation." In view of that statement made by him on the 9th August 1937, does the Hon'ble Minister contemplate to grant to every one of the detenus an amount of consolidated allowance which he was last receiving in view of the fact that there has been no change to better his economic condition?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I do not accept the proposition that has been put forward or the interpretation that has been put to the announcement made on the 9th of August.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that out of the 1,100 detenus released in 11 batches, many filed applications and no allowance has been given to them?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be due to some mistake. In all those cases allowances will be paid.

Mr. NISHITHA NATH KUNDU: I again draw the attention of the Hon'ble Minister to the reply he gave to my question. It reads like this: "Rs. 10 is the minimum allowance, and in certain cases where Government consider more should be given, they do give more." What are the tests for giving more allowance to the detenus?

The Hon'ble Khwaja Sir NAZIMUDDIN: Where he has got a family, and he has got to maintain it and before that he had been contributing towards the maintenance of the family.

Grant to the district of Mymensingh for Rural Uplift.

***425. Mr. BIRENDRA KISHORE RAY CHOUDHURY:** Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) the amount which has been granted to the district of Mymensingh for "Rural Uplift";

(*b*) the authority in the district to which the grant for "Rural Uplift" has been made; and

(*c*) the manner in which this grant is being disbursed?

The Hon'ble Mr. NALINI RANJAN SARKER: (*a*) The amount so far allotted to this district out of the present grant of the Government of India is Rs. 43,719.

(*b*) The District Magistrate.

(*c*) The amount was allotted on the understanding that it was to be spent on schemes as follows, selected and approved by the District Magistrate. In the case of Cattle Improvement, the approval of the Agriculture Department was also necessary:—

	Rs.
(1) Cattle improvement	21,163
(2) Water supply	17,666
(3) Playing fields and recreation grounds .	3,890
(4) Village communication and waterways ..	1,000

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether in view of the vastness of the district the money is not too small?

The Hon'ble Mr. NALINI RANJAN SARKER: The total grant is also small. It has been allotted according to the proportion of the district.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether the Government is ready to ask the District Magistrate to consult the hon'ble members of this House in selecting and approving schemes?

The Hon'ble Mr. NALINI RANJAN SARKER: I will consider the matter.

Adulteration of oil for sale purpose.

***426. Maulvi AZHAR ALI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that in most of the cases under section 6 (*1*) of the Bengal Food Adulteration Act for selling and keeping for sale oil for human consumption professional oil-men of the Province are concerned?

(*b*) Is the Hon'ble Minister aware—

(*i*) that sample of oil taken by sanitary inspector is not generally analysed before 4 to 6 months from the date of seizure;

(*ii*) that in many cases result of analysis of sample oil taken by sanitary inspector and the portion left to the owner of oil are found different;

(iii) that in some cases oil prepared in "Ghani" by pure oil-seed in the presence of local sanitary inspector was declared by Public Analyst adulterated; and

(iv) that there is a hard competition with mill-owners supplying oil for human consumption at a cheaper rate in the market; and

(v) that the professional oil-men supplying pure oil for consumption from time immemorial are going to be ousted from the market as a class in whole?

(c) Are the Government considering the desirability of amending forthwith the Bengal Food Adulteration Act making adequate provision therein for the protection of this cottage industry of the Province?

The Hon'ble Mr. SYED NAUSHER ALI: (a) No statistics on this point are available.

(b) (i) Owing to accumulation of a very large number of samples of mustard oil there was some unavoidable delay in reporting the results of analysis.

(ii) Cases of this nature are very few.

(iii) No such case has come to the notice of Government.

(iv) and (v) Yes. The competition is indeed very hard.

(c) While fully sympathising with the object of the hon'ble member, I confess I find it difficult to understand how an amendment of the Bengal Food Adulteration Act can help in the matter.

Unemployment among workers due to introduction of automatic machines in Jute Mills.

***427. Mr. SIBNATH BANERJEE:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(a) whether he is aware that in jute mills new automatic machines are being introduced throwing thousands of workers out of employment;

(b) what steps do the Government propose taking to redress the grievances of these discharged workers;

(c) whether the Government are considering the desirability of—

(i) making arrangement to spread over this rationalisation over three years;

(*ii*) utilising the natural wastage of labour population in jute mills in introducing rationalisation without dismissing the workers; and

(*iii*) preventing jute mills from closing down without notice for indefinite period for this rationalisation as has been done by the Prem Chand Jute Mill?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) I am aware that new machinery is being installed in some jute mills. So far as I am aware the machinery is being introduced by degrees. The suggestion that thousands have been or will be thrown out of work appears extravagant.

(*b*) Government will assist workers discharged through rationalisation in finding employment as early as possible.

(*c*) Government have no powers to act as suggested. We, however, propose suggesting to the jute mills to make such arrangements as will cause the least amount of dislocation in the employment of the existing staff.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state what steps have been taken to find employment to the discharged workers with reference to answer (*b*)?

The Hon'ble Mr. H. S. SUHRAWARDY: The tense is in the future.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister be pleased to state how many persons have been so far discharged due to introduction of new machinery approximately?

The Hon'ble Mr. H. S. SUHRAWARDY: I have not got the figures, Sir.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if there is any public feeling in the country to rule out all scientific appliances and scientific machineries as stated herein so that this country may be kept in perpetual darkness?

The Hon'ble Mr. H. S. SUHRAWARDY: Unfortunately the labourers who are discharged feel that there ought not to be any scientific progress at their expense.

Ronaldshay Medical School, Burdwan.

*428. **Mr. ADWAITA KUMAR MAJI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that Ronaldshay Medical School in Burdwan is going to be disaffiliated?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state:—

(*i*) what are the reasons; and

(*ii*) what is the actual time when such disaffiliation will be effected?

(*c*) What is the amount of grant given to the institution by the Government?

(*d*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of giving effect to their decision after necessary arrangements for improvements of the Fraser Hospital in Burdwan have been made?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) and (*b*) The Bengal Council of Medical Registration has, in view of certain defects noticed by the Inspection Committee of the Council in the school and the hospital, made a recommendation that the recognition of the school should not be extended beyond June, 1938. The matter is under my consideration.

(*c*) The entire cost of maintenance of the school is met by Government. An expenditure of Rs. 51,000 on an average is incurred annually by Government for this purpose.

(*d*) Does not arise.

Mr. BIRENDRA NATH MAZUMDAR: With reference to the reply (*d*), in view of the recommendations that the recognition of the schools should not be extended beyond June 1938, will the Hon'ble Minister be pleased to state if his consideration will be finished before June 1938?

The Hon'ble Mr. SYED NAUSHER ALI: I think I will be able to take up the matter very soon.

Political prisoner Miss Bina Das.

*429. **Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Home (Jails) Department aware:—

(*i*) that Miss Bina Das, a political prisoner, is now in Dinajpur Jail;

(*ii*) that her sister Mrs. Kalyani Bhattacharyya and her husband Mr. N. Bhattacharyya were granted permission for interview with her on 14th March, 1938, in the said Jail; and

(*iii*) that on 13th March, 1938, a telegram from the Jail Superintendent of Dinajpur was received by them cancelling the sanctioned interview without assigning any reason?

(*b*) Will the Hon'ble Minister be pleased to state as to what happened after the sanction of interview which necessitated the cancellation of the order of interview?

(*c*) Whether they will have an interview with the prisoner?

(*d*) If the answer to (*c*) is in the affirmative, when?

(*e*) If the answer to (*c*) is in the negative, the reason?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*), (*ii*) and (*c*) Yes.

(*iii*) The interview was postponed, not cancelled.

(*b*) and (*e*) Do not arise.

(*d*) 30th March, 1938.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*iii*) that the interview was not cancelled but postponed, will the Hon'ble Minister be pleased to state whether the reason for such postponement was intimated to Mr. and Mrs. Bhattacharyya?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. JOGESH CHANDRA GUPTA: Was it postponed indefinitely or for a definite period?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would refer the hon'ble member to my answer to (*d*).

Mr. NISHITHA NATH KUNDU: What are the reasons for postponing the interview?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not prepared to disclose it on grounds of public interests.

Detenu Srijut Sunetra Sen Gupta.

*430. **Mr. JOGESH CHANDRA GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether Srijut Sunetra Sen Gupta, who is in village internment at Joshlong in Dacca district, is suffering from Tuberculosis?

(b) If so, has the Government made any arrangement for his treatment?

(c) If not, will the Government be pleased to make immediate arrangements for his treatment?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) He complained of this disease in the middle of last year.

(*b*) The restriction order has been withdrawn, and he has been granted a special allowance of Rs. 10 per month on medical grounds.

(*c*) Does not arise.

Mr. JOGESH CHANDRA GUPTA: Has the medical examination been held after he complained of the disease?

The Hon'ble Khwaja Sir NAZIMUDDIN: All restrictions on the detenu have been withdrawn, and now he will look after himself.

Study leave to Civil Surgeons, Assistant Surgeons and Sub-Assistant Surgeons.

***431. Mr. ABDULLA-AL MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the total number of Civil Surgeons, Assistant Surgeons and Sub-Assistant Surgeons in service till December, 1937, showing separately—

(*i*) number of Muhammadans; and

(*ii*) that of Hindus?

(*b*) Will the Hon'ble Minister be pleased to state the number of the (1) Hindu, and (2) Muslim officers who have been granted *ex*-India study leave till 1937?

(*c*) If the number of Muslim officers who were granted study leave is small, what steps, if any, are the Government proposing to take in the matter?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) A statement is laid on the table.

(*b*) and (*c*) The member is referred to the replies given to the following questions:—

(1) Starred question No. 299 and unstarred question No. 291 by Maulvi Abdul Bari and Khan Sahib Kabiruddin Khan, respectively, in the session of the Assembly held in September, 1937.

(2) Starred question No. 124 and unstarred question No. 19 by Rai Harendra Nath Choudhury and Babu Narendra Nath Chakravarty, respectively, in the current session of the Assembly.

Statement referred to in the reply to clause (a) of starred question No. 431.

(a)	Number of Muhammadans.	Number of Hindus.	Total.
(i) Civil Surgeons, B.M.S. ..	None.	13	13
(ii) Assistant Surgeons (including Civil Surgeons and temporary officers)	32	133	165
(iii) Sub-Assistant Surgeons (including temporary officers) ..	35	240	275

Bengal Telephone Corporation, Limited.

*432. **Mr. DEBI PROSAD KHAITAN:** Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased—

(a) to lay on the table a copy of the agreement with or licence granted to the Bengal Telephone Corporation, Limited;

(b) to state when will such agreement or licence expire;

(c) to state what steps, if any, are contemplated by the Government to take over the telephone undertaking in Calcutta;

(d) to state whether the Government is aware of the high charges that are paid by the big users of the telephone system in Calcutta; and

(e) to state what steps, if any, the Government intend taking to see that the telephone charges be reduced to a reasonable level?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Licences under the Indian Telegraph Act of 1885 are granted by the Central Government. The Government of Bengal have not a copy of the licence granted to the Bengal Telephone Corporation, Limited.

(b) Does not arise in view of the reply to sub-question (a).

(c) Telephones being a Central subject, Government of Bengal cannot take over the telephone undertaking.

(d) I understand that the big users have to pay large sums, but this is natural under the message-rate system. I have no information if the charges are unduly high.

(e) Does not arise in view of the reply to sub-question (d).

Dr. NALINAKSHA SANYAL: *Will the Hon'ble Minister be pleased to state if the Government of Bengal consider it desirable to approach the Government of India with the suggestion that when the present license will be over, the agreement may be terminated?*

The Hon'ble Mr. H. S. SUHRAWARDY: I am considering that question.

Dr. NALINAKSHA SANYAL: Is the Government aware that the Indian Chamber of Commerce, the Bengal National Chamber of Commerce and several Commercial Houses of Calcutta have approached this particular body as well as Government for a substantial reduction in the telephone charges of Calcutta?

The Hon'ble Mr. H. S. SUHRAWARDY: Not this Government.

Mr. JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state what action Government is going to take in view of the fact that the present system of telephone, I mean the exchange system, should be abolished and the automatic system should be introduced in Calcutta for better convenience?

The Hon'ble Mr. H. S. SUHRAWARDY: This is not the subject matter within the purview of this Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to consider the desirability of obtaining a copy of this license, for the use or knowledge or information of the members of this House?

The Hon'ble Mr. H. S. SUHRAWARDY: I have already asked for a copy.

Application for licence for electrification of Bogra town.

***433. Mr. SURENDRA MOHAN MAITRA:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state how many parties have applied for licence for electrification of the Bogra town?

(*b*) How long are the petitions for licence pending before the authorities?

(*c*) What are the reasons for keeping the matter in abeyance so long?

(*d*) When will the final order for licence for electrification of the Bogra town be issued?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) and (*b*) A list of the intending applicants for the Bogra electric licence with the date of application in each case is placed on the Library table.

(*c*) In accordance with Government Resolution No. 3395-Com., dated the 8th July, 1930, the intending applicant, before submitting a formal application for a licence as prescribed by the Indian Electricity Rules is required to satisfy Government regarding—

(*i*) his ability either to provide or obtain adequate finance on terms which will not militate against the successful running of the undertaking;

(*ii*) his ability to evolve a practical scheme and put it into operation under competent technical supervision; and

(*iii*) his intention to maintain a substantial interest in the undertaking after it has been started.

Enquiries and consequent references for eliciting such information account for the delay in dealing with applications for this and other electrical licences.

(*d*) A licence for the electrification of the town of Bogra will be granted as soon as an application satisfies Government with the particulars mentioned in the answer to clause (*c*) and the procedure required by the Indian Electricity Rules, 1937, is complied with.

Number of Head Clerks in the Jails.

***434. Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) the total number of the Head Clerks in the jails; and

(*ii*) the number of them that are—

(1) Hindus, and

(2) Muslims?

(*b*) Will the Hon'ble Minister be pleased to state whether a Hindu has been appointed as the Head Clerk in the Dum-Dum Central Jail established a few months ago?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is a fact that the Head Clerk has been promoted from his position as a junior clerk in preference to the claims of senior and educated Muslim clerks?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the newly appointed Head Clerk is a relation of the Personal Assistant to the Inspector-General;

(*ii*) whether there are other relations of the Personal Assistant to the Inspector-General who have been appointed—

(1) as factory overseer, and

(2) as accountant of the Dum-Dum Central Jail; and

(*iii*) whether the said Head Clerk, the factory overseer and the Accountant were made permanent without the probationary period having been gone through?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) 6

(*ii*) (1) Five; and (2) One.

(*b*) Yes.

(*c*) The gentleman in question is not a junior clerk: he has been promoted above eight persons of whom two are Muhammadans and the rest Hindus.

(*d*) (*i*) No.

(*ii*) Only the factory overseer is related to the Personal Assistant to the Inspector-General.

(*iii*) Under the rules no probationary period is prescribed in such cases.

Posting of a Muhammadan Subdivisional Officer at Munshiganj subdivision.

***435. Nawabzada K. NASARULLAH:** (*a*) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state whether it is a fact—

(*i*) that since the very inception of the Munshiganj subdivision only four Mussalman officers, namely, Maulvi Fazlul Karim, Syed Faezuddin Hossain, Maulvi Md. Abdullah and Mr. K. G. Murshed were posted at Munshiganj as Subdivisional Magistrates?

(*ii*) that since the transfer of Mr. K. G. Murshed from Munshiganj there was not posted any Mussalman officer as Subdivisional Officer for the last ten years, whereas four Hindu Subdivisional Officers were successively in charge of the subdivision?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government is considering the posting of a Mussalman officer as Subdivisional Magistrate of Munshiganj in the near future?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) In addition to these four officers named, Maulvi Abdul Gafur was in charge of Munshiganj subdivision from 7th September, 1886, till 25th September, 1886, and Maulvi Abu Muhammad from 2nd February, 1902, till 17th June, 1902.

(*ii*) Yes.

(*b*) I am unable to make any forecast.

Mr. PROMATHA RANJAN THAKUR: From the nature of the question put by the hon'ble member it is understood that he is very much interested in having a Muslim Subdivisional Officer at Munshiganj but——

Mr. SPEAKER: That is not a supplementary question.

Interference by Goshainhat police with public meetings of peasants at certain villages of Faridpur.

***436. Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware

(*i*) that three public meetings of the peasants were called to be held at three different places, namely, Kalabari, Shibpur and Baksanpati, all under police-station Goshainhat, district Faridpur, on the 9th, 11th and 12th January, 1938, respectively;

(*ii*) that Hindu and Muhammadan speakers were to address those meetings on the subject of rural uplift, and

(*iii*) that the police of Goshainhat thana ordered the *chaukidars* not to allow the local peasants to attend those meetings, and when they attended they were threatened with troubles by the policemen who attended those meetings in large numbers?

(*b*) Is it the policy of the Government to prevent rural mass to come in contact with public men?

(*c*) If not, under what authority did the Goshainhat police act in the aforesaid ways?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) Three meetings were held at the dates and places mentioned. None but ex-detenus, conditionally released detenus and ex-convicts actually spoke in these meetings and the speeches made indicated that their primary purpose was to arouse discontent against the present Government.

(*iii*) and (*b*) No.

(*c*) Does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether any instruction has been issued by the Government to the police not to allow anybody to criticize the present Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. SASANKA SEKHAR SANYAL: Is it the opinion of the Hon'ble Minister that allowing discontent against the Government is improper or illegal?

Mr. SPEAKER: You can't ask for an expression of opinion.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware of the fact that to the extent that discontent is aroused against the present Government, the present Government would be expected to be virile?

Mr. SPEAKER: That is a question of opinion.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether the copies of the speeches made in the meetings referred to in answer (*a*) have been submitted to the Government and the Hon'ble Minister has seen them?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not seen them.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state then what is the basis of his reply to my question (*a*) (*i*) and (*ii*)?

The Hon'ble Khwaja Sir NAZIMUDDIN: On the reports received from the District Magistrate.

Mr. SASANKA SEKHAR SANYAL: Is the Government in possession of the speeches that were delivered?

Mr. SPEAKER: That has just now been answered.

Mr. SASANKA SEKHAR SANYAL: Is there any material in those speeches which might justify any prosecution?

The Hon'ble Khwaja Sir NAZIMUDDIN: If there had been any, they would have been prosecuted.

Mr. SASANKA SEKHAR SANYAL: Then what is there in those speeches which does not justify prosecution, but which is objected to by the Government?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is no question of objection; it is merely a statement of fact.

Emergency Ward of the Calcutta Medical College Hospital.

*437. **Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether a little boy named Satyapal Biswas (*alias* Nona) was taken to the Emergency Ward of the Calcutta Medical College Hospital at about midnight on 30th January, 1938, suffering from burning accident?

(*b*) Is it a fact that immediate attention was not given to the boy and proper steps were not taken to attend to his injuries?

(*c*) That he complained of difficulty in passing urine and cried hoarse while suffering from acute pain but no medical aid was given to bring relief?

(*d*) That the boy died early next morning?

(*e*) That for nearly three hours after the death the father of the boy and other relations who were waiting downstairs were not given any information in spite of their anxious enquiries?

(*f*) If the answers to (*a*) to (*e*) are in the affirmative, what steps do Government propose to take against officers responsible?

(*g*) What measures do Government propose to ensure prompt action in future cases?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Yes

(*b*) The facts of the case are as follows:—

The child was brought into the compound of the Medical College Hospital at about 12 midnight. The father of the child instead of coming straight to the Enquiry Office lost some time in looking for it. When he came into the Enquiry Office he was directed by the officer on duty there to take the child into the Examination Room. The father carried the child into the Examination Room where the child was put upon the examination table and given injection of camphor-in-ether and necessary notes were also taken regarding address and other particulars for the Police report. All this took about ten minutes. So far there was no unnecessary delay. A child patient, such as the one in the present case, is admitted in the Female Ward. But as the Female Ward in the New Emergency Block had not yet

been opened, the child was transferred to the Female Surgical Ward of the Medical College Hospital where he arrived at about 12-15 a.m. The House Surgeon of the Female Surgical Ward saw the patient at about 12-30 a.m. As the House Surgeon lives at some distance, it took about 15 minutes to give intimation to him and for him to reach the Ward. In the meantime, steps were taken to prepare a bed for the child and this took some time owing to the already congested character of the Female Surgical Ward. The House Surgeon stayed in the Ward for 45 minutes giving necessary treatment to the child and again saw the case at 6 a.m. in the morning.

(*c*) All necessary steps were taken to bring relief to the child and the Superintendent reports that there was nothing to show that the crying of the child was due to difficulty in passing urine

(*d*) Yes, at 7-25 a.m

(*e*) The Superintendent reports that the patient's grandmother was present up till the time of the patient's death and knew about his death. She went down to give information to the other relatives but could not find them as they had left the neighbourhood of the Ward. This was admitted by the child's father during the enquiry

(*f*) Does not arise

(*g*) Delays of the kind which occurred in the present case are unfortunately unavoidable concomitants of the difficult conditions under which the Hospital staff has to work owing to the want of sufficient accommodation in the wards The matter is receiving my consideration.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, if Government have satisfied themselves after an independent enquiry, that the death of this boy was not hastened due to the negligence of any of the Medical College staff or officers?

The Hon'ble Mr. SYED NAUSHER ALI: Sir, I have satisfied myself from the enquiry made in the presence of the father of the boy, that there was absolutely no laches on the part of the Medical College staff. It was a very bad case of burning and the child would have died under any circumstances, and I am satisfied also that there was absolutely no negligence on their part.

Dr. NALINAKSHA SANYAL: In view of the answer given that between 12-30 a.m. and 6 a.m. (i.e., nearly 5½ hours) the House Surgeon could not attend to this patient, does not Government consider it desirable to issue necessary instructions or make such arrangements in future that in emergent cases like this, the House Surgeon may attend?

The Hon'ble Mr. SYED NAUSHER ALI: According to expert opinion there was absolutely nothing more to be done.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to say the names of the Emergency Officer on duty and the name of the House Surgeon on duty on that date?

The Hon'ble Mr. SYED NAUSHER ALI: Sir, I have not got it just now. It will require some time if the hon'ble member wants to know this information.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if the House Surgeon lives within the compound of the Medical College, or lives outside?

The Hon'ble Mr. SYED NAUSHER ALI: I think he lives within the compound.

Mr. SURENDRA NATH BISWAS: In view of the many complaints which have recently been made before the Hon'ble Minister, does he consider the desirability of setting up an Enquiry Committee consisting of some members of this House, to enquire into these complaints and to make a thorough re-organization in the Hospital administration?

The Hon'ble Mr. SYED NAUSHER ALI: I think I am quite competent to deal with all laches on the part of all officers of the Medical College Department, and I shall take necessary action.

Debt Settlement Boards in the Hajiganj Circle, Tippera.

***438. Maulvi JONAB ALI MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the total number of Debt Settlement Boards now functioning in the Hajiganj Circle in the district of Tippera,

(*ii*) the total number of cases pending for disposal before those Boards on the 31st January, 1938;

(*iii*) the amount of debt involved in them;

(*iv*) the total number of cases disposed of by those Boards up to the 31st January, 1938;

(*v*) the amount of debt settled;

(*vi*) the total amount of receipts from realisation of court-fees in stamps from the parties concerned by those Debt Settlement Boards up to the 31st January, 1938; and

(*vii*) the total amount of expenditure incurred as pay of establishment, contingencies, etc., for maintenance of those Boards up to that date?

(*b*) Are the Government considering the desirability of realising the court-fees on the amount of award given by the Boards instead of on the amount of claim as is determined and settled under section 18 of the Bengal Agricultural Debtors' Act, 1935, at the same fixed rate, *i.e.*, Rs. 2 for each hundred?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) 27.

(*ii*) 5,458 cases were pending on the 31st December, 1937.

(*iii*) Debts have not been determined under section 18 of the Act nor have statements of creditors' claims been received in all the pending cases. In 1,295 cases claims have been submitted for Rs. 5,11,397. Of these, in 538 cases in which debt has been determined claims submitted for Rs. 1,53,733 have been determined at Rs. 1,15,724.

(*iv*) 385 cases were wholly settled up to the 31st December, 1937.

(*v*) Creditors' claims of Rs. 1,02,920 were composed for Rs. 38,327.

(*vi*) Rs. 6,218 up to the 31st December, 1937.

(*vii*) Rs. 11,507 up to the 31st December, 1937.

(*b*) No.

Promotion of clerks to Deputy Jailors.

***439. Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a fact that nine clerks have been temporarily promoted to the rank of Deputy Jailors in violation of the rules of the Jail Department that no clerk is eligible for promotion to the rank of Deputy Jailor?

(*b*) If so, will the Hon'ble Minister kindly state whether among the number any Muslim clerk has been promoted?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state whether the cases of Muslim graduate and undergraduate clerks have been overlooked in that matter of promotion and the junior and matric passed Hindu clerks have been promoted in preference?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) They were so appointed in 1932 by the specific order of Government in order to deal with exceptional circumstances created by a sudden increase in jail population.

(*b*) One was tried but proved unsuitable.

(*c*) In making these appointments regard was had to the claims of all the hands available but selection had to be made by the Inspector-General on the score of aptness for the particular duties involved, which are not solely of a clerical nature.

Candidates selected for appointment as Inspectors and Auditors.

***440. Maulvi MUHAMMAD HASANUZZAMAN:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to lay on the table a statement showing, district by district—

(*a*) the names with qualifications and addresses of the candidates recently selected for training with a view to their appointment as Inspectors and Auditors;

(*b*) the names with qualifications and addresses of all the Special Officers existing at present in the department;

(*c*) the pay and fixed travelling allowance for the officers referred to in (*b*)?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Two statements are placed on the Library table.

(*b*) The hon'ble member is referred to my reply to the starred question No. 82 of this session.

(*c*) Pay—Rs. 125; and fixed travelling allowance—Rs. 50 (for dry district) and Rs. 75 (for wet district), except for 9 Kanungos on deputation who draw their own scale pay and fixed travelling allowance of Rs. 65 in wet and Rs. 40 in dry districts.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is a fact that one of the persons appointed or selected from the Jalpaiguri Division near Darjeeling district, is a brother of a member of this House?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am not aware of that.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if it is a fact that the Lupcha Institution of that district has submitted a memorial complaining against the appointment?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: None reached me so far as I am concerned.

Operations of the Bengal Agricultural Debtors Act.

*441. **Babu RADHANATH DAS:** (*a*) Has the attention of the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department been drawn to the observations of the Hon'ble Judges of the Calcutta High Court in regard to the operations of the Bengal Agricultural Debtors Act in several of the decisions reported in 41 and 42 Calcutta Weekly Notes (Nrisingh *versus* Chandulal and Manindra *versus* Bepin Behari)?

(*b*) Do the Government propose to take any steps to remedy the defects in the Act as pointed out by the Calcutta High Court?

(*c*) If not, why not?

(*d*) Have the Government received representations from the All-Bengal Loan Companies Association regarding the workings of the Debt Settlement Boards?

(*e*) If so, what, if any, reply has been given?

(*f*) Is it a fact that the Hon'ble Finance Minister, the Hon'ble Home Minister and the Hon'ble Minister-in-charge of Co-operative Credit and Rural Indebtedness Department received a deputation at Darjeeling in June last, of the All-Bengal Loan Companies Association?

(*g*) Is it a fact that the Hon'ble Finance Minister promised the appointment of a Committee to investigate into the affairs of the Loan Companies with a view to introduce legislation or take administrative action, if necessary, to help the Loan Companies?

(*h*) Do the Government propose to appoint the Committee?

(*i*) If not, why not?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*), (*d*) and (*f*) Yes.

(*b*) The Hon'ble Judges of the High Court did not point out any specific defect in the Act.

(*c*) and (*i*) Do not arise.

(*e*) The hon'ble member is referred to the communique issued through the Press, dated the 4th June, 1937; upon each complaint I have requested the representatives to have the grievances brought to the notice of local officers.

(*g*) No such promise was made.

(*h*) The matter is under consideration.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state if in view of the judgment, the Government is ready to consult the Legal Adviser to make any change in the Law?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: Sir, I have already indicated at the time of the Budget, that as soon as the matter is taken up for amending the Act, there will be some working difficulties. The judgment mentioned here has not made any mention of any defect whatsoever.

Mr. CHARU CHANDRA ROY: That is not my question. My question is whether the Government will effect any change in the law in consultation with the Legal Adviser.

Mr. SPEAKER: He has already answered that the Government is considering that

Location of a talkie cinema near a mosque, Rajshahi.

***442. Mr. JASIMUDDIN AHMED:** (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware of a feeling that exists among the Mussalmans of Rajshahi over the location of a talkie cinema near a mosque in the town?

(*b*) What steps have Government taken to regulate the shows beyond prayer hours?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) The shows are not held during prayer hours. It is reported that no sound from the cinema is audible in the mosque.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that daily two shows are invariably given—one at 6 p.m. and one at 9 p.m.—and that the *Maghreb* prayer comes up between 6 to 6-30 p.m. and the *Aisha* prayer comes at about 9 p.m.?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the shows are stopped ten minutes before and 10 minutes after the scheduled time for prayer. In anticipation of further supplementaries, I may inform the members of the House that the question is still under the consideration of the Government.

Application for licence for immersion of Jagadhatri by Babu Kharga Narayan Roy of Saidpur.

***443. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that Babu Kharga Narayan Roy of Saidpur in the subdivision of Nilphamari applied for licence for a procession for the immersion ceremony of the goddess Jagadhatri in November last;

(*ii*) that on the 10th November, 1937, the said Kharga Babu was summoned in the thana where he was detained till 1 a.m.;

(*iii*) that Kharga Babu was taken to Rangpur that night after 1 a.m. by the Inspector and Sub-Inspector of Police;

(*iv*) that in Rangpur Kharga Babu withdrew his petition for licence by a written letter; and

(*v*) that on coming back at his house at Saidpur next day be found two policemen stationed in front of his house?

(*b*) If the answer to (*a*) is in the affirmative, what are the reasons for all those troubles caused to Kharga Babu?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*iv*) Yes

(*ii*) He was requested to come to the thana which he did. His alleged detention is not correct.

(*iii*) He went of his own accord to Rangpur and was accompanied by one or two police officers at his own request.

(*v*) One or two constables were posted on the road to guard the image unobtrusively, as some trouble was apprehended.

(*b*) Does not arise.

Mr. JATINDRA NATH CHAKRABARTY: Will the Hon'ble Minister be pleased to state why he was at all requested to come to the thana?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I may state that instead of putting this question members of this House ought to compliment the local officers for saving a most awkward situation and handling matters in a most tactful manner and for bringing about friendly relationship between the two communities, and it is most unfair to go further into this matter.

Commitment of Rai Bahadur Dalip Narain Singh to Hajat in 1936.

*444. **Maulana SHAMSUL HUDA:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*i*) whether Rai Bahadur Dalip Narain Singh then a sitting member of the Legislative Council of Bihar was committed to *hajat* in the district of Darjeeling in connection with a criminal case of 1936; and

(*ii*) whether the said commitment was made before or after the submission of the police report of 1st May, 1936?

(*b*) Is it not a fact that the said final police report stated that there was no sufficient evidence to prove the case?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for committing the said Rai Bahadur to *hajat* after the police report was received?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the girl was medically examined as to her age;

(*ii*) whether the enquiring Magistrate ordered for a medical report; and

(*iii*) whether the medical report was submitted to the Magistrate?

(*e*) If the answer to (*d*) (*iii*) is in the negative, what were the reasons for non-submission?

(*f*) Is the Hon'ble Minister considering the desirability of laying the said medical report on the table?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*b*) Yes.

(*ii*) After.

(*c*) He was accused of serious non-bailable offences under sections 366 and 366A, Indian Penal Code.

(*d*) Yes.

(*e*) Does not arise.

(*f*) No.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the police report on subsequent enquiry was that there was no substance in the charge against this gentleman?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, may I ask whether it is permissible to question the conduct of a Magistrate in his judicial capacity?

Mr. SPEAKER: No, your answer in such cases should be that the matter refers to the conduct of a Magistrate in his judicial capacity.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, that is my answer, and the hon'ble member knows it very well.

Prohibition of "Kurbanis" at Barhatta, during Bakr-Id.

*445. **Mr. AHMED ABUL HOSAIN:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact—

(*i*) that the Subdivisional Officer of Netrokona in Mymensingh passed orders to the Circle Inspector of Police, Barhatta circle, prohibiting *kurbanis* at Barhatta during the last Bakr-Id; and

(*ii*) that the Additional Superintendent of Police of Mymensingh went to Barhatta and passed orders on the local police not to allow any cow sacrifice (*Kurbani*) there during the last Bakr-Id?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) why and on what authority did these officials interfere with the rights of the Muslims in their religious matters; and

(*ii*) whether the Hon'ble Minister proposes to take any action in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes. It was the intention of the Subdivisional Officer that the order should apply only to the sacrifice of cows and this fact was known to the Circle Inspector.

(*ii*) No.

(*b*) (*i*) It appears that the two communities mutually agreed that cow sacrifice should not be held in the village, unless a suitable place was found. From a personal inspection of the locality the Subdivisional Officer and the Additional Superintendent of Police were satisfied that cow sacrifice would have unduly hurt the feelings of the Hindus there.

(*ii*) No.

Mr. AHMED ABUL HOSAIN: Will the Hon'ble Minister be pleased to state whether it is a fact that, on receipt of the order of the Subdivisional Officer, the Circle Inspector referred the matter to the Superintendent of Police with the result that a superior police officer was deputed to enquire?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Mr. AHMED ABUL HOSAIN: Will the Hon'ble Minister be pleased to state whether he is aware that such an order has seriously wounded the religious feelings of the Mussalmans there?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think that there is some misunderstanding in the use of the word "kurbani". As I have already stated, the Subdivisional Officer did not intend to prevent kurbani. What he did stop was the sacrifice of cows.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether Government or any officer of Government can stop the sacrifice of cows on any occasion other than at the time of Bakr-Id?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, if it is likely to lead to a breach of the peace.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state whether Government can stop the sacrifice of cows here in Calcutta?

Mr. SPEAKER: That question does not arise.

Mr. ABDUR RAHMAN SIDDIQI: Will the Hon'ble Minister be pleased to tell us what distinction he makes between "kurbani" and cow sacrifice?

The Hon'ble Khwaja Sir NAZIMUDDIN: As I said before, the Subdivisional Officer used the word "kurbani" when he actually meant the words "cow sacrifice", and his explanation is that he used the word loosely. The Circle Inspector should have understood from the conversation that had taken place that it was really intended to prohibit the sacrifice of cows.

Mr. ABDUR RAHMAN SIDDIQI: Does not cow sacrifice include "kurbani"?

(No reply.)

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state if any cow sacrifice was ever made in Barhatta village on previous occasions?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not think so.

Maulvi ABDUL BARI: *Is the Hon'ble Minister aware that the Hindus and the Mussalmans of Barhatta live in separate localities?*

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, and the orders were that cow sacrifice could take place at a place one mile away from Barhatta village across fordable khal.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether the place for cow sacrifice was fixed near the Railway station?

The Hon'ble Khwaja Sir NAZIMUDDIN: That was the suggestion of the Subdivisional Officer, but the Railway Authorities did not permit it.

Mr. CHARU CHANDRA RAY: Will the Hon'ble Minister be pleased to state that for this *golmal* about cow sacrifice the Sub-Inspector of Police was responsible?

The Hon'ble Khwaja Sir NAZIMUDDIN: Certainly not.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether it is a fact that cows used to be sacrificed in that particular village formerly and also the circumstances under which the mutual agreement referred to in the answer was arrived at?

The Hon'ble Khwaja Sir NAZIMUDDIN: Formerly they used to have cow sacrifice there, but as a note was left by a previous officer stating that there was a likelihood of a breach of the peace, precuations were taken to see that such a breach did not take place.

Mr. AHMED ABUL HOSAIN: Will the Hon'ble Minister be pleased to state whether the officer was a Hindu or a Muslim?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice, Sir.

Maulvi ABDUL BARI: Will the Hon'ble Minister be pleased to state as to who were the persons who were a party to that agreement?

The Hon'ble Khwaja Sir NAZIMUDDIN: It appears that there were very few Mussalmans in that particular village, and of the one or two Muslim gentlemen who wanted to sacrifice cows one was a tenant of a Hindu zemindar and as such he did not dare to sacrifice cows. Another gentleman wanted to sacrifice cows in the compound of a mosque, but as this was very near a temple there was every likelihood of a breach of the peace and so the idea of sacrificing cows there

was abandoned. Then they tried to find a suitable site, but no suitable site was available. Another place was suggested, but the owner of the land happened to be a Hindu gentleman and Mussalmans were not allowed to have any cow sacrificed there. That is why a suitable site could not be selected. There is, however, a proposal that the Union Board should acquire a place where cow sacrifice may take place in future.

Clerical posts under the District Judge of Mymensingh.

*446. **Mr. ABDUL HAFIZ MIA:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state the number of posts existing at present in the grade of Rs. 80—4—100, under the District Judge of Mymensingh?

(*b*) The number of such posts held by the Hindus and Mussalmans, respectively?

(*c*) (*i*) The number of new appointments in that grade made by the District Judge, Mymensingh, during the last two years?

(*ii*) How many of them are Hindus and how many Mussalmans?

(*d*) Whether it is a fact that claims of many clerks of outlying stations were not considered for promotion to higher ranks?

(*e*) Whether it is a fact that the claims of many senior clerks have been superseded by the junior ones?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the number of cases of such supersession?

(*g*) Whether it is a fact that in the matter of promotion the service books of senior and efficient clerks of the outlying stations were neither called for nor considered?

(*h*) Whether it is a fact that special promotions are made from Judge's staff?

(*i*) Whether it is a fact that retransfer of clerks on grounds of long-stay is followed in each case of Mufassal clerk but not followed in the case of District Judge's staff?

(*j*) Whether any reference has been made to the High Court for transfer of clerks who are at the same stations for a long time and could not be transferred within the district?

(*k*) If the answer to (*j*) is in the negative, will the Hon'ble Minister be pleased to state whether immediate steps are being taken to give effect to the rule in the whole Province?

(*l*) Will the Hon'ble Minister be pleased to state whether the Government consider it desirable to take immediate steps for redress of the grievances stated in (*d*) to (*i*)?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) There is no such grade as Rs. 80—4—100. There are two grades:—

(*i*) Rs. 80—2—100 (old scale) and Rs. 80—2/2—90 (new scale).

(*ii*) Rs. 80—4—140 (old scale) and Rs. 80—5—85—5/2—120 (new scale).

Number of posts—Grade (*i*) 17, and grade (*ii*) 7.

		Grade (*i*).	Grade (*ii*).
(*b*) Hindus	...	12	5
Mussalmans	...	5	2
(*c*) (*i*)	...	6	3
(*ii*)			
Hindus	...	2	2
Mussalmans	...	4	1

(*d*), (*g*) and (*i*) No.

(*e*) Yes, the cases of only a few on the ground of special fitness.

(*f*) Three cases in grade (*ii*) only.

(*h*) Not necessarily—promotions are given on the ground of efficiency alone, district staff being treated as a whole.

(*j*) No. Such occasion has not yet arisen.

(*k*) and (*l*) Do not arise.

Giving of Crown brief cases to Mr. Abdul Bari, M.L.A.

***447. Mr. SYED HASAN ALI CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state whether it is a fact that Mr. Abdul Bari, M.L.A., who was so long practising as a pleader at Berhampore is being given Crown brief in cases tried in the neighbourhood of Calcutta?

(*b*) If the answer to (*a*) is in the affirmative will the Hon'ble Minister be pleased to state why Mr. Abdul Bari was specially selected?

(*c*) Is it not a fact that there are a number of other Muslim lawyer M.L.A.'s practising in mufassal?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) Maulvi Abdul Bari has given up Berhampore and is now a practising Advocate in the High Court. He was given only one Crown brief in the ordinary course.

(*b*) There was no selection and no question of patronage is involved. The question does not therefore arise.

(*c*) There is no patronage definitely earmarked for anybody, but Maulvi Abdul Bari is a promising lawyer and success in the profession may be in store for him.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Will the Hon'ble Minister be pleased to state if there is any provision or even presumption in law that an eminent lawyer is debarred from getting any briefs for cases tried in the neighbourhood?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: No, Sir.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if other M. L. A's. will get their turns? (Laughter.)

Mr. SPEAKER: That question does not arise.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Will the Hon'ble Minister be pleased to state whether he is prepared to kindly distribute some cases amongst M. L. A's. on the opposite side of the House? (Laughter.)

(No reply.)

Id-ul-fitr holiday in the Vidyamayee High School, Mymensingh.

***448. Mr. AHMED ABUL HOSAIN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether any circular fixing the number of days during which Government and aided high English and middle English schools are to remain closed for Ramzan and Id-ul-fitr has been issued?

(*b*) If so, what were the number of days for which the Vidyamayee High English School for girls at Mymensingh was closed on that occasion in 1937?

(*c*) Is it a fact that the test examination of the said school was held last year before the expiry of the holidays for Ramzan and Id-ul-fitr?

(*d*) Are the Government considering the desirability of taking steps for the observance of the circular fixing the number of holidays for Muhammadan festivals in Government and aided schools?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) Six days including a Sunday—4th to 9th December, 1937.

(*c*) Yes, on the 8th December, 1937. (No objection was raised by Muslim pupils or their guardians.)

(*d*) No. The circular is strictly observed and only relaxed in very special circumstances, with the concurrence of those affected.

Mr. AHMED ABUL HOSAIN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether it is a fact that the Muslim students made verbal objections to the Head Master which were not heeded?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of it, but I am quite prepared to make an enquiry into the matter.

Mr. AHMED ABUL HOSAIN: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether he is aware that the students or their guardians complained to the Head Master with regard to this matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of it.

Realisation of the primary education cess in Mymensingh.

***449. Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that a notification has been issued by the Education Department for the realisation of education cess in the district of Mymensingh since April, 1937?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason why, while addressing the audience assembled at the Teachers' Conference held in December last in the Mymensingh Zilla School compound he stated publicly in course of his speech that the *raiyats* (agriculturists) should not have to pay the education cess then, but that the *zemindars* and *talukdars* would be required to pay the cess for the time being and that the *raiyats* after two or three years hence?

(*c*) Is the Hon'ble Minister aware that on account of his aforesaid statement a propaganda is going on among the *raiyats* of the district to the effect that they (*raiyats*) are exempted by the Hon'ble Minister from paying education cess for the time being?

(*d*) Is the Hon'ble Minister contemplating issue of an order for stopping the realisation of the said education cess from the *raiyats* of the aforesaid district?

(*e*) If not, will the Hon'ble Chief Minister be pleased to state the reason for not doing so?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The sections regarding cess in the Bengal (Rural) Primary Education Act, 1930, were introduced in the district of Mymensingh with effect from 1st January, 1937, by a gazette notification, dated the 30th November, 1936. Necessary notifications and notices for the realisation of the cess were subsequently issued by the Collector of the district.

(*b*) The statement imputed to me is not true. I know that such a report of my speech appeared in some newspapers, and I issued a correct version of what I said as soon as the incorrect report was brought to my notice. I know that the hon'ble member who has put the question was not present at the meeting and that he has acted on mere heresay.

(*c*) and (*d*) No.

(*e*) Realisation of cess cannot be stopped without suspending the scheme for free primary education introduced in the district under the provisions of the Act, and my information is that very good progress is being made.

Absence of the Hon'ble Minister from Calcutta when the Director of the International Labour Office visited Calcutta.

***450. Mr. J. N. GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state if it is a fact that the Hon'ble Minister was absent from Calcutta when the Director of the International Labour Office visited Calcutta?

(*b*) If so, will he be pleased to state the reason for not availing the opportunity of meeting the Director?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) A Minister has many more claims upon his time than a private member, and must use his discretion in selecting between them. Every facility was placed under my orders by my Department at the disposal of Mr. Butler.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state if he was aware of the tour programme of Mr. Harold Butler, the Director of International Labour Office, which was prepared by the Government of India?

The Hon'ble Mr. H. S. SUHRAWARDY: His tour programme was prepared by the Government of Bengal.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state if it was prepared with his knowledge?

The Hon'ble Mr. H. S. SUHRAWARDY: It was prepared with my knowledge, my consent and under my direction.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state what led him to avoid his meeting with Mr. Harold Butler?

The Hon'ble Mr. H. S. SUHRAWARDY: There was no attempt to avoid meeting with him.

Establishment in the office of the District Judge, 24-Parganas.

*451. **Mr. JASIMUDDIN AHMED:** Will the Hon'ble Minister in charge of the Judicial Department be pleased to state the names and native home addresses of persons appointed as clerks and peons under the District Judge of the 24-Parganas during the years 1935, 1936 and 1937?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The statement is laid on the Library table.

Hazaribagh Reformatory School.

*452. **Mr. MONMOHAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Jails) Department be pleased to state—

(*i*) for how many Bengal boys the sum of Rs. 29,000 is paid to the Government of Bihar for the establishment charges in the Hazaribagh Reformatory School;

(*ii*) for how many boys in the Reformatory School at Alipore the sum of Rs. 18,780 is paid for establishment charges; and

(*iii*) for what reasons are Bengal boys sent to another Province for detention in the Reformatory?

(*b*) Are the Government considering the desirability of keeping the juvenile offenders of Bengal in the Reformatory School of the Province?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) The average number of boys in the school from Bengal was 74 during the year 1937 and the figure Rs. 29,000 represents the proportionate share of this Government in the total expenditure of the school. The average number of boys in the Reformatory School at Alipore was 278. The figure Rs. 18,780 relates to establishment charges exclusively.

(iii) Accommodation in the existing Reformatory School at Alipore is limited and for that reason the Bengal Children Act has only been extended to a limited area, namely, Calcutta, Howrah, and their suburbs. Youthful offenders outside this area have to be dealt with under the Reformatory Schools Act and are sent to Hazaribagh.

(b) To do so involves the provision of suitable and adequate accommodation within the Province. This will receive due consideration.

Appointment of Muhammadans as Inspector of Boilers and Inspector of Factories.

*453. **Maulvi ABUL HASHIM:** (a) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact that there is not a single Muslim either as an Inspector of Boilers or as an Inspector of Factories out of 17 Inspectors and two Chief Inspectors?

(b) If so, what steps do the Government propose taking for a fair representation of Muslims in this branch of the public service?

(c) Is it a fact that four or five Hindus have already been taken in as Inspectors in the Department?

(d) If so, are the Government considering the desirability of reserving the next four or five vacancies for qualified Muslim candidates?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Yes: there are 16 posts of Inspectors; of these one is vacant and another is held by a temporary incumbent.

(b) and (d) I propose giving every consideration to Muslim claims if they are found to possess the requisite qualifications.

(c) There are four Hindu Inspectors in permanent posts, and one in a temporary vacancy.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what are the minimum qualifications required for Inspector of Boilers and for Inspector of Factories?

The Hon'ble Mr. H. S. SUHRAWARDY: Surely the honourable member does not expect me to answer this question here. If he looks up the advertisement, he will find them.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if those posts that have been filled up have been filled up after advertisement?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, they have.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that some of the Inspectors both for Boilers and Factories who were appointed, had the only qualification that they belonged to the Anglo-Indian and European communities?

The Hon'ble Mr. H. S. SUHRAWARDY: That is an unwarranted suggestion. I do not think that the four Hindus who have been appointed belong to the Anglo-Indian or European community.

Maulvi ABUL HASHIM: In view of the fact that the number of Muslim employees in this Department is very small, will the Hon'ble Minister be pleased to state if he is prepared to give preference to Muslims, other things being equal?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, certainly.

Appointment of Mr. Murshedi as Assistant Labour Commissioner, Bengal.

***454. Miss MIRA DUTTA GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether his attention has been drawn to public criticism of the acting appointment of Mr. Murshedi, an Inspector of Police, Special Branch, Calcutta, to the office of the Assistant Labour Commissioner, Bengal?

(*b*) What are the special qualifications of Mr. Murshedi for this post?

(*c*) What are to be the duties of the Assistant Labour Commissioner?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No.

(*b*) Mr. Murshedi's special qualifications are that he has a special knowledge of labour and labour conditions in Bengal and has the requisite experience.

(*c*) The duties of the Assistant Labour Commissioner are to attend to the routine work of the Registrar of Trade Unions and Labour Commissioner, to write reports on strikes and labour conditions, to collate intelligence for the Labour Commissioner, to attend to such enquiries as are deputed to him by the Labour Commissioner and to advise and assist the labourers in their various difficulties.

Present Sub-Deputy Magistrate of Feni.

***455. Maulvi MUHAMMAD IBRAHIM:** (*a*) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state the date on which the present Sub-Deputy Magistrate of Feni was posted there?

(*b*) Whether the Government is aware of the Inspection remarks made by Mr. Whittaker, District Magistrate of Noakhali in 1934, regarding the ability and efficiency of the officer?

(*c*) If so, what steps, if any, were taken on those remarks?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) 9th January, 1934.

(*b*) Mr. Whittaker did not inspect the officer's work in 1934.

(*c*) Does not arise.

Construction of Ishurdi-Pabna-Sadhuganj Railway line.

***456. Babu NARENDRA NARAYAN CHAKRABARTY:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact that in reply to interpellations regarding the construction of Ishurdi-Pabna-Sadhuganj Railway line in the Bengal Legislative Council on the 3rd July, 1922, 25th August, 1922, 20th November, 1922, and 22nd November, 1922, the Bengal Government states that the matter was under consideration?

(*b*) If so, has that consideration been given since then, and with what result?

(*c*) Whether it is a fact that at the time of his visit to Pabna on the 18th August, 1922, His Excellency the Governor of Bengal stated in reply to addresses presented to him, that the construction of this line was held up owing to financial stringency, and the Government of India had assured the Government of Bengal that as soon as adequate funds were forthcoming the proposal for the construction of this line would be considered, and that the Government of India was ready to entertain proposals for construction of this line by private enterprise?

(*d*) Whether it is a fact that a proposal for construction of this line by private enterprise was forwarded to the Government of Bengal by the Commissioner of Rajshahi Division in 1924, but it was not accepted?

(*e*) Is the Hon'ble Minister aware—

(*i*) that the value of land to be acquired for this project has considerably gone down since 1914-15 and labour has become cheaper and prices of Railway materials has also fallen since then; and

(*ii*) that the total cost is not likely to come up to Rs. 54 lakhs as estimated before and much less initial cost will be required?

(*f*) Is the Hon'ble Minister aware that since the year 1914-15, the rivers Ichamati and Barnoi and also the Santhia Jola have been much filled up and become narrowed down and that the cost of construction of the bridges and culverts is likely to be much lower than that estimated in 1914-15?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) No. In reply to Council questions, dated the 3rd July, 1922, and 20th November, 1922, it was stated that the Government of India would give due consideration to the proposed Railway project when funds would be available and opportunity would arise. No Council question, dated 25th August, 1922, on the subject is traceable. The dates 20th and 22nd November, 1922, refer to one and the same question.

(*b*) The Government of India after due consideration decided in 1930 to shelve the project indefinitely as unremunerative.

(*c*) No. In reply to addresses at Pabna in 1922 His Excellency did not state that Government of India was willing to entertain any proposal for the construction of the proposed Railway line by private enterprise. His Excellency, however, stated that the Government of India had promised to give due consideration to the proposal when funds were available.

(*d*) No. The Commissioner forwarded to Government in 1924, a proposal for financial assistance and guarantee of return at 6 per cent. on capital outlay, for the purpose of formation of a private company for the construction of the Railway line. This proposal the Government were not prepared to accept especially as the project was under the investigation of the Railway Board.

(*e*) (*i*) Yes, except prices of Railway materials.

(*ii*) and (*f*) I have no information.

Strength of the Cinchona Department and Muhammadan representation therein.

***457. Mr. JASIMUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state—

(*i*) the total number of permanent and temporary posts at present in the Cinchona Department as a whole;

(ii) the total number of Muhammadan representation in each section of services, namely,—

(1) Provincial Gardeners' Service,

(2) Subordinate service,

(3) Factory Chemist, and

(4) Office establisment (clerical and menial)?

(b) If there is no Muhammadan representation in the Cinchona Department will the Hon'ble Minister in charge be pleased to state what attempt was made in the past to recruit Muhammadans?

MINISTER in charge of the FORESTS and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (a) (i) 34.

(ii) (1) Nil, in the Cinchona Branch.

(2) and (3) Nil.

(4) Clerical.—This establishment is a combined one with the Royal Botanic Garden. Of a total of 13 clerks, one is vacant and 4 are Muhammadans.

Menials.—Nil.

(b) Does not arise

Externment of Bibhuti Bhushan Banerji, an ex-convict.

***458. Mr. BIRENDRA NATH MAZUMDAR:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state:—

(a) whether Bibhuti Bhushan Banerji, an ex-convict under section 20 of the Arms Act, was released on return from the Andamans on the 3rd September, 1937, from the Alipore Central Jail;

(b) whether he was immediately re-arrested at the jail gate under section 5 (2) of the Bengal Smuggling of Arms Act, 1934;

(c) whether he was released on bail the same day and later on the 21st September, 1937, externed for 20 years from Chittagong, Howrah, 24-Parganas and Calcutta; and

(d) whether the Government are considering the desirability of removing or at least relaxing the aforesaid restrictions?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) His arrest followed his release from jail.

(c) He was bailed out by the Commissioner of Police and on conclusion of the proceedings under the Bengal Smuggling of Arms Act,

1934, an order requiring him to remain outside the notified area for a period of 20 years with effect from the 27th September, 1937, was served on him.

(*d*) No.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state if his subsequent arrest was for an offence for which he was already in jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Mr. BIRENDRA NATH MAZUMDAR: Will the Hon'ble Minister be pleased to state what other offence could he have committed just after his release from jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: It was done under certain section of the Criminal Law Amendment Act. At present I cannot quote it from memory.

Number of Indian and non-Indian officers in the Calcutta Police Ambulance.

***459. Mr. ATUL KRISHNA GHOSE:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*a*) how many officers are there at present in the Calcutta Police Ambulance; and

(*b*) how many of them are Indians and how many are non-Indians?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) 53.

(*b*) Indians 21 and non-Indians 32.

Obstruction of funeral procession at the "Kundwan" cremation ground, Rangpur.

***460. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of Home (Political) Department aware—

(*i*) that there is a cremation ground at Kundwan, police-station Saidpur, district Rangpur, which is known as "Hindu Sashan Ghat";

(*ii*) that in the settlement record it has been so recorded and that it is being used as such for the last 50 years;

(*iii*) that on the 20th October and on the 27th October last, funeral processions carrying Hindu dead bodies for cremation to the above "Sashan Ghat" were obstructed on the way by some "Muslims," who did not allow the procession to go to the "Kundwan" cremation ground; and

(*iv*) that the local authorities did not take adequate steps in the matter?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps he intends to take to avoid repetition of this state of affairs?

(*c*) Is the Hon'ble Minister aware that Srijukta Narendra Nath Das, M.A., M.L.A., made an enquiry into this alleged occurrence?

(*d*) Are the Government considering the desirability of instituting an enquiry with a view to taking necessary steps?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*), (*ii*) and (*c*) Yes.

(*iii*) There was no obstruction on the 20th October. On the 21st October, a funeral procession was obstructed by a large body of armed Muslims. On the 27th October, there was simply an altercation, as far as is known.

(*iv*) On the 21st October the authorities reasoned with the crowd and avoided precipitation of a serious crisis; the dead body was burnt on the morning of the 22nd October in the presence of the District Magistrate and the Superintendent of Police. On the 27th October, the authorities did not receive timely information of the incident.

(*b*) The cremation ground has been pegged out to obviate further disturbances.

(*d*) No, as the situation is now quite calm.

Annual expenditure for Intelligence Branch and Criminal Investigation Department.

***461. Mr. SERAJUL ISLAM:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state the annual expenditure for the last 4 years, respectively, for the maintenance of the Intelligence Branch and Criminal Investigation Department?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement showing the annual expenditure for the last 4 years is placed below.

Statement referred to in the reply to starred question No. 461.

		Criminal Investigation Department.			Intelligence. Branch.		
		Rs.	a.	p.	Rs.	a.	p.
1933-34	..	4,01,773	15	6	12,36,973	9	6
1934-35	..	4,10,006	7	6	12,83,649	10	0
1935-36	..	5,06,560	7	3	12,71,196	11	6
1936-37	..	4,72,622	1	3	12,71,237	7	3

Circle Officer of Palong, Faridpur.

***462. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Has the attention of the Hon'ble Minister in charge of the Public Health and Local Self-Government Department been drawn to the fact that on the complaint of a *chaukidar* named Mohan Kazi of the Palong Union Board, a criminal case was started in 1936 against one Harendra Lal Banerjee under the Bengal Village Self-Government Act in the Court of the Subdivisional Officer of Madaripur in the district of Faridpur?

(*b*) Is it a fact that the Circle Officer of Palong submitted a report to the said court stating that the case was true?

(*c*) Is it a fact that the trying Magistrate disbelieved the report of the said Circle Officer and held that the case was "not merely false but frivolous and vexatious", and while acquitting the accused ordered the *chaukidar* to pay a compensation of Rs. 30 to the accused?

(*d*) Is it a fact that several other criminal cases, such as those against Hiralal Chowdhury, Rajdurlav Poddar and Nibaran Dafadar, were also started in the said court during the last two years either at the instance or upon the report of the said Circle Officer, and that all those cases also were found by the trying Magistrates to be false and ended in the acquittal of the accused?

(*e*) Is the said Circle Officer still posted in charge of Palong Circle?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) and (*b*) Yes.

(*c*) The trying Magistrate found the case to be false and frivolous and awarded Rs. 30 compensation to the accused.

(*d*) No. Only one case relating to a charge of misappropriation was started on the report of the Circle Officer. These three persons named were the accused. One was discharged and two were acquitted. It is not a fact that the case was found to be false.

(*e*) No.

Mr. SURENDRA NATH BISWAS: In view of the fact that this circle officer was responsible for the starting of so many false cases, will the Hon'ble Minister be pleased to state whether he would consider the desirability of taking any departmental action against him?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not admit that he started so many false cases and therefore the latter portion of the question does not arise.

Mr. SURENDRA NATH BISWAS: With reference to answer (*d*), will the Hon'ble Minister be pleased to state whether the case referred to was not a false case in view of the answer he has made.

The Hon'ble Khwaja Sir NAZIMUDDIN: It does not always follow that because a case has not been proved, it is false.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what were the reasons for which the accused in one case was discharged and the other two accused were acquitted?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Asansol Electric Supply Co., Ltd.

*463. **Mr. BANKU BEHARI MANDAL:** (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that the Asansol Electric Supply Co., Ltd., is only a distributing licensee and purchases current in bulk at 1 anna 3 pies per unit and supplies it to the consumers at 6 annas 6 pies per unit net; and

(*ii*) that the said company has not lowered its rate of supply to the consumers?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking action in the matter, pursuant to their declared policy of providing cheap electricity to the people?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) I propose taking such action as I am legally entitled to take.

Establishment in the District Magistrate's office, 24-Parganas.

***464. Babu DEBENDRA NATH DASS:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the number of clerks (*1*) permanent and (*2*) temporary, in the office of the District Magistrate, 24-Parganas; and

(*ii*) the number amongst them, both permanent and temporary (to be shown separately), belonging to the (1) caste Hindus, (2) Scheduled Castes, and (3) Muslims?

(*b*) Is there any principle in the appointment of these clerks?

(*c*) If so, what is the principle?

(*d*) Is the Hon'ble Minister considering the desirability of adopting a policy which will secure due representation to the Scheduled Castes and Muslims for all future appointments in the said office?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Permanent 208 and temporary 64.

	Permanent.	Temporary.
(*ii*) Caste Hindus	127	38
Scheduled Castes	11	3
Muslims	70	23

(*b*) Yes.

(*c*) The principles are laid down in rules 58 and 59 of the Bengal Board's Miscellaneous Rules, 1934, and in the Appointment Department Memorandum No. 9898-A., dated the 21st September, 1936 (copies placed on the Library table).

(*d*) The matter is under consideration of Government.

Re-employment of a dismissed clerk of the Assam-Bengal Railway.

***465. Maulana MD. ABDUL AZIZ:** (*a*) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware—

(*i*) that a matric passed dismissed clerk of the Assam-Bengal Railway named Abinash Chandra Biswas was appointed first as an office peon in the District Judge's Court, Chittagong;

(*ii*) that this clerk was dismissed from the Assam-Bengal Railway for some defalcation;

(*iii*) that this dismissed clerk is a relation of the present Sheristadar of the District Judge's Court, Chittagong;

(*iv*) that when the District Judge came to know that he was removed from Assam-Bengal Railway service for defalcation the District Judge removed him from the post of the clerk; and

(*v*) that he was reappointed as a typist of the Judge's Court superseding many graduate typists?

(*b*) If the answers to (*a*) are in the affirmative, is the Hon'ble Minister considering it desirable to enquire into the matter?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) Yes.

(*ii*) Yes, according to my information on suspicion of defalcation.

(*iii*) Yes, a very distant relation.

(*iv*) No. He was appointed a temporary clerk pending result of examination held for recruitment of clerks and was discharged after the clerks were appointed.

(*v*) He was appointed a typist as the reports of his typing work and of his general conduct, while employed as a temporary clerk, were excellent. The appointment was made by the District Judge personally with the full knowledge of all the attendant circumstances.

(*b*) The man's services have been dispensed with.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state who was the reporting authority in respect to answer (*v*), was he the same Sherristadar who was a relation of the dismissed clerk?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I do not think any further action need be taken in regard to this matter. All these things have ended happily for him, but I am really sorry for the man who has been dismissed from service. One advantage has been that in place of the dismissed man, another man from the same community will be appointed there.

Al-Haj Maulana Dr. SANAULLAH: In view of the fact that he was appointed a typist as the reports of his typing work and of his general conduct, while employed as a temporary clerk, was excellent and the appointment was made by the District Judge personally with the full knowledge of all the attendant circumstances, will the Hon'ble Minister be pleased to state why his services were dispensed with?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I have already replied to that question.

Appointments in the Education Department since 1st April, 1937.

*466. **Mr. MD. ABUL FAZL:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) the total number of appointments made in the various branches under his charge since 1st April, 1937; and

(b) the number of Mussalmans among them?

The Hon'ble Mr. A. K. FAZLUL HUQ: The information is given in the following statement:—

Service.	Number of appointments made.	Number of Mussalmans appointed.
Bengal Senior Educational Service (Men's Branch) ..	3	1
Bengal Educational Service (Men's Branch) ..	13	10
Bengal Educational Service (Women's Branch) ..	1	Nil
Bengal General Service	2	Nil
Subordinate Educational Service—		
Lecturers Demonstrators	8	6
Assistant Head Masters	3	1
Subdivisional Inspectors of Schools	2	2
Assistant Masters	16	11
Sub-Inspectors of Schools	9	6
Classical Teachers	2	Nil
Vernacular Teachers	3	1
Drawing and Drill Masters	5	4
Guru Training Pandits	1	Nil
Miscellaneous Appointments	7	3
Clerical appointments	14	12

Babu UPENDRA NATH BARMAN: Will the Hon'ble Minister be pleased to state how many of the 14 clerical appointments have been given to the scheduled caste candidates while 12 were given to Muhammadans?

Mr. SPEAKER: That question does not arise.

Mr. AHMED HOSAIN: Will the Hon'ble Minister be pleased to state what amount is spent by Government annually for maintaining the Bethune College?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot give that answer off-hand; I am prepared to take that as a notice and answer it later.

Mr. AHMED HOSAIN: Will the Hon'ble Minister be pleased to state whether Government think it advisable to spend public money on an institution which is not open to the general public?

The Hon'ble Mr. A. K. FAZLUL HUQ: According to the legal advice given non-Hindu girls are not admitted there, but there are institutions which are reserved for particular communities such as Islamia College which get contributions from provincial revenues.

Mr. ABDULLA-AL MAHMOOD: Will the Hon'ble Minister be pleased to state whether the Christian girls are admitted in the Bethune College?

Mr. SPEAKER: I think this question has been answered in this House more than once.

The Hon'ble Mr. A. K. FAZLUL HUQ: According to the legal opinion on previous occasions I pointed out that non-Hindu girls could not be admitted; but I am prepared to have the question examined; more than that I cannot say.

Mr. PROMATHA RANJAN THAKUR: Will the Hon'ble Minister be pleased to state if the scheduled caste girls were included in the list of Hindu girls at the time when the institution was started?

Mr. SPEAKER: This question does not arise. It has not been declared that the scheduled castes are not Hindus.

The Hon'ble Mr. A. K. FAZLUL HUQ: I could not say.

Mr ABDULLA-AL MAHMOOD: With regard to answer (c), will the Hon'ble Minister be pleased to state the cost year by year for the first ten years?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot say off-hand.

Mr. ABDULLA-AL MAHMOOD: My question was not that. As far as I remember I wanted the number of students as well as the cost for the first ten years.

Mr. SPEAKER: I think you are always supplied with a copy of the question as admitted and if you had any grievance, you should have pointed it out then.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state what percentage of seats will be reserved for the Muhammadan girls?

The Hon'ble Mr. A. K. FAZLUL HUQ: No percentage.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state the rules of admission?

The Hon'ble Mr. A. K. FAZLUL HUQ: If a sufficient number of Muslim girls come in, all will be admitted.

Bethune College and establishment of a new college for Muslim girls.

***467. Mr. ABDULLA-AL MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of Education Department be pleased to state whether the Bethune Collegiate School is run and maintained by the Government from Provincial Revenue?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether admission is open to the girls of all communities? If not, why not?

(*c*) Will the Hon'ble Minister be pleased to state what was the number of girls in the Bethune College for the first ten years, year by year, since its inception?

(*d*) Will the Hon'ble Minister be pleased to state whether he is aware that the want of a girls' college purely for the Muslim girls is an imperative need and that the entire Muslim community demands the establishment of such an institution without the least delay?

(*e*) If the answer is in the affirmative, will the Hon'ble Minister be pleased to state whether and when the Government propose to establish such an institution?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) and (*d*) Yes.

(*b*) Government have been advised that according to the terms of the deed of conveyance executed by Messrs. Bethune and Dakshina Ranjan Mukherjee only Hindu girls are eligible for admission there.

(c) The number of girls in the Bethune College for the first ten years since its inception is given below:—

Year.	Number of students.
1878-79	1
1879-80	4
1880-81	5
1881-82	6
1882-83	4
1883-84	5
1884-85	6
1885-86	5
1886-87	4
1887-88	6

(e) Provision has been made in this year's budget for the construction of buildings for a college where Muslim girls will have preferential right of admission. There will be hostel attached to the college which will be meant exclusively for Muslim girls.

Establishment of the Jail Department.

***468. Maulvi ABDUL LATIF BISWAS:** (a) Will the Hon'ble Minister in charge of the Home Department be pleased to lay on the table a statement showing—

(i) the total number of Jailors in the Jail Department showing separately the number of the Hindu Jailors and the Muslim Jailors;

(ii) the total number of the Deputy Jailors in the Jail Department showing separately the number of the Hindu Deputy Jailors and the Muslim Deputy Jailors; and

(iii) the total number of the clerks in the department showing separately the number of the Hindu clerks and the Muslim clerks?

(b) Will the Hon'ble Minister be pleased to show in the same table how many Jailors were appointed in the year 1936 and how many were appointed in the year 1937 and among them how many are the Hindus and how many Muslims (showing separately year by year)?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) (i) 25, namely, 18 Hindus, 5 Muhammadans and 2 Europeans.

(ii) 42, namely, 28 Hindus and 14 Muhammadans.

(*iii*) 70, namely, 46 Hindus, 22 Muhammadans and 2 belonging to backward classes.

(*b*) One Jailor was appointed in 1936 and he is a Muhammadan. Three Jailors were appointed in 1937, of whom two are Muhammadans and one Hindu.

Health of certain detenus.

*469. **Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state the whereabouts and the present state of health of the following detenus:—

(*i*) Harendra Kumar Das, son of the late Abhoy Chandra Das, post-office Chandraganja, police-station Lakshmipur, district Noakhali;

(*ii*) Snehamoy Dutt, son of the late Chandra Kanta Dutt, Pleader, Feni, district Noakhali; and

(*iii*) Makhan Lal Pal, resident of the district of Noakhali, police-station Begamganj?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government are contemplating the release of the abovenamed detenus shortly?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) He is domiciled at his home and complained recently of dyspepsia without however asking for treatment.

(*ii*) and (*iii*) They are domiciled in the districts of Mymensingh and Dacca, respectively. I have received no report that they are not in good health.

(*b*) Their cases will be considered in accordance with the declared policy of Government.

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister be pleased to state whether he has received any report that the detenus are in good health?

The Hon'ble Khwaja Sir NAZIMUDDIN: No news is good news. That is the basis of my reply.

Honorary Magistrate, Rev. J. A. L. Singh.

*470. **Mr. DEBENDRA LALL KHAN:** (*a*) Has the attention of the Hon'ble Minister in charge of the Judicial Department been drawn to the following remark of their Lordships the Judges of the Calcutta High Court to the following effect in course of their judgment re

proceedings under section 14B of the Legal Practitioners Act at the instance of the Rev. J. A. L. Singh, an Honorary Magistrate, against Srijut Satis Chandra Choudhury, a Mukhtear of the Criminal Courts at Midnapore:—"The behaviour of this Honorary Magistrate in connection with this matter was most deplorable and his handling of this matter indicated clearly that he was not a person who had any sense of judicial responsibility and that he was unfit to hold office of Honorary Magistrate"?

(*b*) If the answer to (*a*) is in the affirmative, are the Government contemplating the removal of the said Magistrate from his office?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) No.

(*b*) Does not arise, but I may say that this gentleman no longer sits as an Honorary Magistrate.

Mr. JOGESH CHANDRA GUPTA: Has the Hon'ble Minister made any enquiry if the Judges of the High Court made this remark after the question was received?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: No enquiry is required because he is no longer a honorary magistrate.

Detenu Srijut Pramatha Nath Roy Choudhury.

***471. Mr. SIBNATH BANERJEE:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*a*) where and in what stage of progressive release is detenu Pramatha Nath Roy Choudhury, son of Manmatha Nath Roy Choudhury, of Kairapara post-office, district Khulna, at present;

(*b*) whether it is a fact that after 8 months' home internment he was given only an allowance of Rs. 20 at the rate of Rs. 10 per mensem; and

(*c*) whether Government contemplate his unconditional release without further delay?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) and (*c*) The detenu has been released unconditionally.

(*b*) No.

Mr. Jyotish Chandra Joardar.

***472. Miss MIRA DUTTA GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state for how long is Mr. Jyotish Chandra Joardar under detention and where is he interned now?

(*b*) Is it a fact that the village selected for him is malarious and unhealthy and no good physician is available there?

(*c*) Is it a fact that after a severe attack of typhoid he is totally deaf in one ear?

(*d*) Is it a fact that he was twice operated in Deoli Detention Camp and Calcutta Medical College Hospital for fistula?

(*e*) Is he still suffering from fistula?

(*f*) If so, what sort of treatment has been arranged?

(*g*) What is his present weight?

(*h*) How much allowance is he receiving?

(*i*) Is it a fact that no extra allowance is given to him for his treatment and diet?

(*j*) What are the names of the daily newspapers and periodicals, if any, supplied for his use?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) He was arrested in October, 1930, and is now domiciled in the district of Rangpur.

(*b*) No.

(*c*) I have no information as to deafness but I am aware that he was treated by specialists in the Medical College Hospital for ear trouble in 1936.

(*d*) and (*e*) Yes. He was again examined by a Surgical Specialist on 2nd December, 1937, and no fistula or ulcer was detected. His general health was reported good.

(*f*) Does not arise.

(*g*) His weight on discharge from Berhampore Camp was 144 lbs. since when he has not complained of his health. His present weight is not known.

(*h*) Rs. 25.

(*i*) No extra allowance is necessary and none has been sanctioned.

(*j*) Detenus in domicile subscribe to newspapers and periodicals if they so desire at their own expense. My information is that he does not subscribe to any.

Detenus in Camps and internment.

*473. **Mr. DHIRENDRA NATH DATTA:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to lay on the table a statement showing separately, district by district—

(*a*) the number of detenus still kept in detention in various detention camps and interned in the villages or in their homes; and

(*b*) the number and the names with the length of period of the detention against each person or persons detained under the Bengal Regulation III of 1818?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) There are no detenus in detention camps. The number of those domiciled in villages and in their homes was 402 on the 28th March. I regret that figures showing their actual disposition by districts are not available.

(*b*) There are 14 persons detained under Regulation III of 1818. They have been detained since November, 1931, in ten cases and January, 1932, in the others. I regret that I am not prepared to publish their names.

Abolition of Persian as Court language.

***474. Maulvi MANIRUDDIN AKHAND:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that since the abolition of Persian as court language it has lost its utility and importance?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) replacing Persian by Urdu or Bengali; and

(*ii*) taking steps for immediate action in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) No.

(*b*) Does not arise.

Released detenu Charu Chandra Ray of Dacca.

***475. Mr. BIRENDRA NATH MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state whether the released detenu Charu Chandra Roy of Dacca has been granted the usual allowance of Rs. 15 a month? If not, why not?

(*b*) Whether any amount has been deducted from his allowance? If so, why?

(*c*) Whether it is a fact that two of his books—

(1) "The Rise of the Christian Power in India" by Major B. D. Bose;

(2) "Russian Chithi" by Dr. Rabindranath Tagore,

though passed by censor have not yet been returned to him by the police? If so, why?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) He was released from home domicile where his allowance was Rs. 10 and this allowance has been continued.

(*b*) He overdrew his allowance while in village domicile and this was being recovered by instalments. Deductions have now been discontinued.

(*c*) No.

Detenu Ajitananda Das Gupta.

***476. Mr. BIRENDRA NATH MAZUMDAR:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(*a*) whether detenu Ajitananda Das Gupta was suffering from tuberculosis at Giridih when he was arrested at Giridih in 1931 under the Bengal Criminal Law Amendment Act;

(*b*) whether he has recently been interned at Sagar Island;

(*c*) whether he is still suffering from tuberculosis; and

(*d*) if so, does the Hon'ble Minister propose releasing him shortly?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) I have no information.

(*b*) to (*d*) He was until recently domiciled there, but orders have been passed for him to be released under light restrictions which permit him full freedom of movement.

Civil and criminal works in the Calcutta High Court.

***477. Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing, year by year, for the years 1931 to 1937 in respect of the High Court of Judicature at Fort William in Bengal—

(*i*) the number of civil first appeals and second appeals and civil revisions and references filed and heard;

(*ii*) the number of criminal appeals and revisions filed and heard;

(*iii*) the number of High Court sessions and the number of original suits heard?

(*b*) Is it a fact that both civil and criminal works have gradually been reduced from the year 1931?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) A statement is laid on the table.

(*b*) The figures themselves may be seen. The number of cases pending has been reduced, there have been fluctuations in the numbers instituted and the numbers heard.

Statement referred to in the reply to clause (a) of starred question No. 477 of work done in the High Court, Calcutta.

Year.	Civil.													Criminal.				
	First Appeals.		Second Appeals.		Miscellaneous Appeals. (Appeal from Original and Appellate Orders.)		Rules and Revisions.		References.		Original suits heard.	Appeals from Original Sides.		Appeals.		Revisions (includes Miscellaneous and Civil Revision cases).		Sessions cases heard.
	Filed.	Heard.	Filed.	Heard.	Filed.	Heard.	Filed.	Heard.	Filed.	Heard.		Filed.	Heard.	Filed.	Heard.	Filed.	Heard.	
1931	308	319	3,218	3,087	513	461	1,227	1,120	9	7	2,574	115	117	998	1,010	1,596	1,649	59
1932	319	260	2,508	2,347	522	515	1,107	1,173	10	10	2,428	120	106	1,181	1,050	1,713	1,484	42
1933	376	186	2,408	2,745	557	566	1,301	1,267	10	8	2,908	129	138	1,002	1,097	1,773	1,863	62
1934	244	203	2,107	1,734	600	504	1,231	1,126	12	11	2,387	113	127	1,039	890	1,817	1,805	42
1935	297	558	1,784	2,911	642	699	1,210	1,282	10	9	1,869	124	71	1,005	1,084	1,785	1,843	27
1936	274	508	2,010	2,560	714	655	1,342	1,260	16	14	2,276	95	145	994	1,121	1,676	1,840	25
1937	312	252	1,811	2,475	488	679	1,441	1,378	11	12	1,940	82	37	808	722	1,720	1,532	43

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether Government is considering the desirability of retrenching the number of Judges and staff of the Calcutta High Court in view of the substantial reduction of the work of the High Court as given in the table.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: The appointment of Judges is made on the basis of the nature of the work and sometimes an important case takes a year for several Judges to finish. Difficult and complicated cases often come up to High Court.

Clerical posts in the office of the Board of Revenue.

***478. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the total number of permanent clerical posts in the office of the Board of Revenue, Bengal;

(*ii*) the number of them that are held by (1) Caste Hindus, (2) Mussalmans and (3) Scheduled Castes;

(*iii*) the number of upper division posts there, both permanent and temporary;

(*iv*) the number of them that are held by (1) Mussalmans, (2) Caste Hindus and (3) Scheduled Castes;

(*v*) the number of temporary clerks there in the office at present; and

(*vi*) the number of them that are (1) Caste Hindus, (2) Muslims and (3) Scheduled Castes?

(*b*) Whether it is a fact that 5 permanent posts have been sanctioned and that it has been decided to fill up those by the temporary clerks of that office who are all Hindus?

(*c*) Is it a fact that in filling up the permanent posts in this office and in the Revenue Department of the Secretariat men are taken from those who pass a clerkship examination?

(*d*) If so, whether in filling up these 5 posts are the Finance Department to be asked to supply men from their list?

(*e*) Are there any rules in office of the Board of Revenue for appointing men in the upper and lower division posts?

(*f*) If so, what are they?

(*g*) How many typists are there in the office of the Board of Revenue both temporary and permanent showing how many of them are (1) Hindus, (2) Muslims and (3) Scheduled Castes?

(*h*) Is it a fact that typists and stenographers under the existing rule cannot be clerks in the Secretariat and heads of departments in the offices in Writers' Buildings?

(*i*) Whether it is a fact that a stenographer in the Bengal Board of Revenue office has been appointed as a clerk in the upper division in the said office?

(*j*) If so, under what rule and whether sanction of Finance Department was obtained?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A statement is placed on the table.

(*b*) The permanent retention of five temporary posts which have been in existence from before 1st April, 1929, has been administratively approved but formal sanction has not yet been accorded nor has it been decided how these should be filled up.

(*c*), (*e*) and (*f*) Attention is invited to Rules 2 to 6 and 8 at pages 7-9 of Board's Office Rules of Business which lay down the rules of recruitment to this office. A copy of these rules is placed on the table.

(*d*) The question whether the present incumbents who are working in these posts from before 1929 should be retained, or new recruits taken from the Finance Department list, is still under consideration.

(*g*) There are four permanent and one temporary posts of typists which are held by Hindus.

(*h*) Not in the Secretariat. Elsewhere, yes—if heads of department have special powers to make such recruitments.

(*i*) Yes.

(*j*) Under rule 6 at page 9 of Board's Office Rules of Business, Board of Revenue is competent to make such recruitment.

Statement referred to in the reply to clause (a) of starred question No. 478.

(1) Permanent clerical posts (both upper and lower divisions)—

Number held by—

Caste Hindus	... ...	20
Mussalmans	... ...	14
Scheduled Castes	... ...	1
	Total ...	35

(2) Temporary lower division clerical posts—

Number held by—

Caste Hindus	...	...	6
Mussalmans	...	...	2
Scheduled Castes	...	...	1
	Total	...	9

(3) Upper division clerical posts—permanent and temporary—

Number held by—

Caste Hindus		...	10 Permanent. 1 Temporary.
Mussalmans	...	...	Nil
Scheduled Castes	...	...	Nil

Rules referred to in the reply to clauses (c), (e) and (f) of starred question No. 478.

RULE 2 AT PAGE 7 OF BOARD'S OFFICE RULES OF BUSINESS, 1926.

2. *Recruitment of assistants.* Recruitment of assistants to the regular cadre of the Board's office will ordinarily be made to the lowest grade of the Lower Division subject to the exceptions noted below. As the cadre of the office is small, recruitment for the Upper Division will, provided that a fully competent assistant is available, be made by promotion from the Lower Division. If a competent assistant is not available, direct recruitment as laid down in rule 3 (*a*) of Appendix B may be made, subject to the reservation of one-half of the vacancies in the upper division for the lower division assistants. Vacancies in the lower division will be filled by candidates who have passed the Secretariat Clerkship Examination in communication with the Finance Department (Appendix B). In the absence of such qualified candidates vacancies will be filled either by—

(*a*) graduates selected by the Secretary, of whom a waiting list shall be kept in office;

(*b*) passed candidates of the Government Commercial Institute, Calcutta: or

such candidates must be under the age of 25.

Note.—Under Government order No. 133 L. R., dated the 4th January, 1927 (Establishment file No. 156 of 1926), the Board is declared competent to appoint the stenographer, who is outside the cadre, to any vacancy in the upper division, which is not reserved for promotion from the lower division.

3. *Special rules for Muhammadans and members of minority communities and backward classes.*—Every third vacancy in the Ministerial Establishment shall ordinarily be given to a Muhammadan who possesses

the requisite qualification required for the appointment. Until the proportion of Muhammadans in the Lower Division establishment reaches one-third the claims of Muhammadan candidates who have qualified in the Secretariat Clerkship Examination shall be considered in filling up all vacancies. The assistance of recognised Muhammadan Associations and that of the Assistant Director of Public Instruction for Muhammadan Education should be utilised in securing suitable candidates for appointments in the Lower Division. (G. O. Nos. 5159-5163A., dated the 30th September 1918.) Such selection shall be made by the Finance Department only when there is no Muhammadan candidate who has qualified in the competitive examination to whom the post can be offered. (Notification No. 2517T.—Misc., dated the 16th October 1917.)

Selection of candidates from the members of the minority communities and backward classes also shall be made by the Finance Department in filling up vacancies in the Lower Division (Notification No. 4701Misc., dated the 15th June 1933.) Such candidates must, however, secure qualifying marks in all the subjects in the clerkship examination. Government desire that candidates from minority communities and backward classes who possess the qualifications required for an appointment should not be rejected merely because other candidates have reached a higher standard. (G. O. Nos. 3540-3544A., dated the 28th April 1931.) A reasonable number must be appointed under the usual conditions for probation. But the preference so given extends only to admission to probation, not to confirmation after probation. Probationers from minority communities and backward classes must satisfy the same standard for confirmation as is required from all other probationers.

Similar preference should be given to Muhammadans and members of the minority communities and backward classes in filling up vacancies in the cadres of typists and Record-Suppliers, also. For the purpose of percentage of such appointment, the cadres of "Assistants," "Tpyists" and "Record Suppliers" should be taken separately.

Returns showing (*i*) the appointment of Muhammadans, and (*ii*) members of backward classes are to be submitted annually to the Appointment Department in the forms shown in Appendix C to this Chapter. (Resolution No. 1070A.—D., dated the 21st June 1935.) A list of castes and communities recognised as backward classes and minority communities will be found in Appendix C.

"*Note.*—The recruitment of Muhammadans in the lower division should be such as to maintain the proportion of 37 per cent. in the whole cadre and at least 1 in 3 of the appointments to the upper division should be reserved for Muhammadans either by promotion or direct recruitment until the prescribed percentage is reached."

(Vide G. O. No. 17758Misc., dated the 8th January 1937, in Establishment file No. 21 of 1937.)

4. *Appointment of record-keeper.*—No assistant in the Board's office shall be qualified for the post of record-keeper unless he has worked for at least three years in the Board's record-room. In default of a competent assistant possessing this qualification, the post shall be filled by recruitment under rule 6 of a trained record-keeper from some other office

5. *Appointment of typists and stenographer.*—Candidates for vacancies in the staff of stenographer and typists shall be called for by advertisement. Applicants must:—

(*a*) have a competent knowledge of English;

(*b*) hold a certificate of proficiency from a typewriting school, a business firm or a Government office;

(*c*) be able to type at the rate of at least 30 words per minute with not more than four mistakes per foolscap page.

Candidates shall be tested in typewriting by the head assistant, subject to approval by the Secretary; stenographers shall be tested and approved by the Secretary.

6. *Special power of appointment.* Appointments of candidates with special aptitude or claims to consideration may be made to any vacancy either in the Upper or Lower Division, without regard to rules 2 to 5.

COPY OF RULE 8 AT PAGE 9 OF THE BOARD'S OFFICE RULES OF BUSINESS, 1926.

8. Promotions to or within the Upper Division, whether temporary or permanent, shall be made solely by merit and no assistant in the Lower Division shall have a right to claim such promotion. Qualifications for the Upper Division include:—

(*a*) efficiency in correspondence, drafting and precis writing,

(*b*) ability to control and hold charge of a group,

(*c*) ability to take charge of the tour office.

To enable the Secretary to learn the capacity of assistants in the Lower Division, every assistant shall, in the absence of specific orders to the contrary, note and draft on at least three files per week.

Mr. MONMOHAN DAS: Will the Hon'ble Minister be pleased to state why the number of Scheduled Caste appointment is so small?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The appointments were made long ago and I am not responsible for that.

Recruitment of Police Sub-Inspectors from the members of the Scheduled Caste.

***479. Mr. RASIK LAL BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing for the last one year in each of the Divisions—

(*i*) how many candidates for the post of sub-inspector of police belonging to the Scheduled Castes of Bengal were nominated by district authorities, and

(*ii*) how many of them were appointed?

(*b*) Is it a fact that none from the Scheduled Castes were nominated in some of the Divisions? If so, why?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the names of the candidates from the Faridpur, Bakarganj, Dacca, Mymensingh, Tippera, Jessore and Pabna districts belonging to the Scheduled Castes with their educational qualifications and age?

(*d*) In what respect were the candidates from the Scheduled Castes referred to in (*c*) above considered disqualified?

(*e*) Is it a fact that the policy of the Government has been not to appoint the Scheduled Castes in Police Department in proper number?

(*f*) Has the Government fixed any ratio of appointment in the Police Department reserved for the Scheduled Castes?

(*g*) If so, what has been the percentage?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No such statement containing information, division by division, is maintained. The number nominated by the District Committees was 2, of whom one was finally appointed

(*b*) Yes. The applicants were not considered suitable.

(*c*) A statement is placed on the table.

(*d*) I have no definite information as the Selection Boards do not record in detail their reasons for refusing to nominate any particular candidate. It is evident however, that some of the candidates were below and some were above the age-limits prescribed which require that candidates shall be over 21 and under 25 years of age on the 1st September.

(*e*) and (*f*) No.

(*g*) Does not arise

Statement referred to in the reply to clause (c) of starred question No. 479.

District.		Names of candidates.	Educational qualifiations.	Age. Yr.	m.
Faridpur	..	1. Atul Chandra Biswas	B.A.	21	7
		2. Jatindra Nath Bhakta	B.A.	22	6
		3. Monmohan Sarkar	B.A.	23	8
		4. Purna Chandra Roy	I.A.	23	2
		5. Hira Lal Sardar	Matric.	19	10
		6. Rati Ranjan Sil	Do.	20	2
		7. Gangadhar Pawna	Do.	22	9
Bakarganj	..	1. Nagendra Nath Howladar	I.A.	20	6
		2. Rebati Ranjan Roy	Read up to B.A.	21	7
		3. Hira Lal Nath	Read up to 3rd year.	22	6
		4. Upendra Nath Das	Matric.	20	0
		5. Monoranjan Nath	Do.	22	9
		6. Sukha Ranjan Howladar	Do.	22	8
		7. Anil Ch. Mazumdar	Do.	22	10
		8. Ranga Lal Howladar	Do.	20	6
		9. Harendra Nath Mazumdar	Do.	24	9
		10. Satyendra Nath Mistri	Do.	23	8
		11. Srinath Natta	I.A.	24	7
		12. Brajendra Nath Sikdar	I.Sc.	20	6
		13. Surendra Nath Biswas	Matric.	24	0
		14. Mahendra Nath Biswas	Do.	19	8
		15. Satish Ch. Mazumdar	Do.	20	2
Dacca	..	1. Debendra Chandra Mala	Do.	20	5
		2. Kartick Chandra Dey	I.Sc.	24	7
		3. Gosaidas Roy	Matric.	21	8
		4. Ganesh Chandra Das	B.A.	23	11
		5. Suresh Chandra Roy Banshi.	I.A.	19	8
		6. Akhil Chandra Das	Matric.	21	11
		7. Ambica Charan Mondal	Do.	24	6
		8. Akhil Chandra Biswas	I.A.	22	3
		9. Surat Lal Muchi	Matric.	19	11
		10. Janardan Sutradhar	Do.	23	11
		11. Hari Narayan Das	I.A.	22	7
		12. Rajani Kanta Sarkar	Matric.	20	3
		13. Nalini Kanta Barai	Do.	22	8
		14. Rasharaj Mandal	I.A.	23	7

District.		Names of candidates.	Educational qualifiations.	Age. Yr.	m
Mymensingh ..	1.	Tarani Kanta Das ..	Matric. ..	21	8
	2.	Ram Chandra Nunia ..	Do. ..	23	0
	3.	Harish Chandra Burman	Do. ..	21	0
	4.	Guru Charan Tilak Das ..	Do. ..	23	0
	5.	Dhirendra Chandra Chaudhuri.	B.A.	Above 25	
	6.	Satish Chandra Das ..	Matric. ..	23	0
	7.	Madhab Chandra Adhikari	Do. ..	19	0
	8.	Bhupati Nath Das ..	Do. ..	22	11
Tippera ..	1.	Jogesh Chandra Das ..	Read up to B.A.	21	9
	2.	Himangshu Bhusan Das	I.A. ..	23	9
	3.	Gopal Chandra Roy ..	Matric. ..	22	10
	4.	Rasharaj Das ..	Do. ..	22	10
	5.	Kailash Ch. Das ..	I.A. ..	21	10
Jessore ..	1.	Sarat Chandra Mondal ..	B.A. ..	23	8
	2.	Bhabendra Nath Biswas	B.A. ..	23	7
	3.	Mahadeb Bhar ..	B.A. ..	22	0
	4.	Narayan Chandra Biswas	I.Sc. ..	22	4
	5.	Upendra Nath Biswas ..	I.A. ..	23	7
	6.	Kalipada Das ..	Matric. ..	23	3
	7.	Brojendra Nath Halder ..	Do. ..	21	9
	8.	Surendra Nath Biswas ..	Do. ..	24	8
	9.	Tarapada Kundu ..	Do. ..	23	4
Pabna ..	1.	Makhan Lal Betua ..	Passed School Final (Science).	20	8
	2.	Pran Gopal Roy ..	B.Sc. ..	20	6
	3.	Durlab Chandra Das ..	Passed School Final (Science).	22	11

Total appointments made in the various branches under the Home Department.

***480. Mr. MD. ABUL FAZL:** Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*a*) the total number of appointments made in the various branches under his charge since 1st April, 1937, and;

(*b*) the number of Mussalmans among them?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the table.

Statement referred to in the reply to starred question No. 480.

NUMBER OF APPOINTMENTS MADE IN THE VARIOUS BRANCHES OF THE HOME DEPARTMENT FROM 1ST APRIL, 1937, UP TO 15TH MARCH, 1938, AND THE NUMBER OF MUSSALMANS AMONG THEM.

	Permanent.		Temporary.		Total.	
	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.
Home (Appointment) Department.						
District and Sessions Judge*	1	..	..	..	1	.
Bengal Civil Service (Executive)†	6	8	..	..	6	8
Bengal Police Service†	1	1	..	..	1	1
Bengal Junior Civil Service†	14	14	.	..	14	14
Total ..	22	23	.	..	22	23
Home (Political) Department.						
Assistants	2	1	5	7	7	8
Typists	..	1	1	1	1	2
Muharrirs	.	1		.	.	1
Record Suppliers	1	1	1	1	2	2
Peons	1	1	3	4	4	5
Total	4	5	10	13	14	18
Bengali Translator's Office.						
Assistants	..	..	.	2	.	2
Typists .. .	.	.	.		.	..
Muharrirs	..	.	..	..	..	..
Record Suppliers . .			.	..	..	.
Peons				..	..	.
Total .		.	.	2	..	2
Record Room.						
Assistants	1	2	.	4	1	6
Typists	.	..	..	..	..	..
Muharrirs	..	..	1	..	1	..
Record Suppliers	.	..	1	1	1	1
Peons	.	..	1	..	1	..
Total ..	1	2	3	5	4	7

*Recruited from the Bar, after consultation with Public Service Commission and Government of India.
†Recruited on the results of the Bengal Civil Service Examination.

	Permanent.		Temporary.		Total.	
	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.	Muhammadan.	Non-Muhammadan.
Commissioner of Police, Calcutta.						
Assistant Commissioner ..	..	..	1	.	1	..
Inspector (Investigating Cadre)	1	..	1	1	2	1
Sub-Inspectors ..	.	.	..	1	.	1
Assistant Sub-Inspectors .	.	3		..	..	3
Head Constables	6	5	.	..	6	5
Constables . .	27	53			27	53
Clerical Staff—						
Clerks .. .			4	.	4	.
Poddar		1		.		1
Duftry .. .	.		1	.	1	..
Peon	.	1				1
Total	34	63	7	2	41	65
Inspector-General of Police, Calcutta.						
Sub-Inspectors .	15	15			15	15
Assistant Sub-Inspectors ..	1	8			1	8
Constables ..	228	321			228	321
Clerks	13	15			13	15
Total	257	359			257	359
Home (Jails) Department						
Jailors	2	2		.	2	2
Deputy Jailors .	5	8			5	8
Head Clerks .		1				1
Jail clerks . .	7	4	3	1	10	5
Manufactory Staff (Clerical ..	3	7			3	7
Borstal School Staff other than Chief Assistant and Petty Officers						..
Jail Teachers .	.				.	..
Clerks in the office of the Inspector-General of Prisons, Bengal			2	4	2	4
Sub-Jail clerks ..		1				1
Press and Forms Department .. .	3	6	1	1	4	7
Warder and Petty officer establishment ..	86	206	50	180	136	386
Total ..	106	230	56	186	162	416
Grand Total ..	424	682	76	208	500	890

Preferential treatment to the European and Anglo-Indian sergeants in respect of salary, uniform, allowance, etc.

***481. Mr. ATUL KRISHNA GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state the reason of preferential treatment to the European and Anglo-Indian sergeants in respect of their—

(1) salary;

(2) uniform;

(3) allowance;

(4) quarters;

(5) electric charges; and

(6) hours of duty?

(*b*) Is the Hon'ble Minister considering the desirability of appointing educated Indians in place of the European sergeants?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) the number of European sergeants in Bengal; and

(*ii*) the highest and lowest expenses for one such sergeant?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (1) The impossibility of getting suitable men if the present scales were reduced.

(2) There is no preferential treatment in the Calcutta Police; with respect to the Bengal Police reference may be made to reply under (*a*) (1)

(3) There is no preferential treatment.

(4) As in (3).

(5) As in (1).

(6) As in (3).

(*b*) No.

(*c*) (*i*) In Calcutta 113 and in Bengal 20.

	Maximum.		Minimum.
	Rs.	a.	Rs.
(*ii*) In Calcutta	4,461	12	2,901
In Bengal	4,091	0	2,363

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state why Muhammadans are considered unsuitable for these appointments?

Mr. SPEAKER: That question has been answered once.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state what is the maximum and the minimum cost for a Sub-Inspector of Police?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Loss due to fire in some parts within police-station Ullapara, district Pabna.

***482. Mr. ABDULLA-AL MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he is aware that fire broke out on the 22nd March, 1938, in some parts within the police-station Ullapara in the district of Pabna?

(*b*) Is it a fact that a number of people have been injured and a number of cattle, sheep, goats and fowls lost lives?

(*c*) Is it a fact that thousands of people are rendered homeless?

(*d*) Is it a fact that the people have suffered a loss amounting to more than Rs. 50,000?

(*e*) Is it a fact that not a handful of rice nor a grain of seed is saved?

(*f*) Has the attention of the Hon'ble Minister been drawn to the news in public press praying for immediate relief?

(*g*) If the answers are in the affirmative, will the Hon'ble Minister be pleased to state the number of houses and animals burnt and persons injured?

(*h*) Have the Government started any relief work in the locality?

(*i*) If so, what is the nature of the relief that is being given to the people?

The Hon'ble Sir BIJOY PRASAD SINGH ROY (*a*) and (*e*) Yes.

(*b*) No. Only four goats were burnt to death.

(*c*) About one thousand persons have been rendered homeless.

(*d*) The Collector estimates the loss at Rs. 15,000.

(*f*) No, but full report has been received from local officers.

(*g*) Number of houses destroyed	...	206
Number of animals dead	...	4
Number of persons injured	...	Nil

(*h*) and (*i*) Government has granted Rs. 1,000 for gratuitous relief. A sum of Rs. 2,500 has been sanctioned for distribution as agricultural loans. Further sums will be sent, if required.

Some money has also been raised locally by the Subdivisional Officer, for immediate distribution. Execution of certificates in the distressed area has been suspended.

Reappointment of Sir F. A. Sachse after retirement.

***483. Mr. SYED HASAN ALI CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether Sir F. A. Sachse retired from the Indian Civil Service?

(*b*) Whether he has been appointed after retirement in any capacity by the Government of Bengal?

(*c*) If so, from which date and on what salary?

(*d*) What are his present functions and what would be his future duties?

(*e*) What work he has been doing since his appointment?

(*f*) Is he going to England on leave or on deputation?

(*g*) If so, at whose expense?

(*h*) Will he be entitled to salary during leave?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes, on 14th December, 1937.

(*b*) Yes, as Special Officer in the Revenue Department.

(*c*) From 15th December, 1937, to 7th April, 1938, on a salary of Rs. 3,000 a month.

(*d*) and (*e*) He has been compiling and examining material for the proposed Commission to enquire into the land revenue system.

(*f*) and (*g*) No, he is going to England, on retirement, at his own expense.

(*h*) The question does not arise.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in reply to a question on the 11th March last the Hon'ble Chief Minister said that Sir Frederick Sachse had retired from the Indian Civil Service, we have asked for nothing and we are not sending him to England, he is going home on retirement. In view of that statement, will the Hon'ble Minister be pleased to state if it is a fact that Government have not appointed this gentleman after retirement from the Civil Service on the 14th December 1937?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: He retired from the Civil Service and then he was appointed. He has now gone on leave and he is no longer in the service of Government. He was here only for a few months as a Special Officer. Every word that was said by the Chief Minister was correct and there was no inconsitency.

Mr. TULSI CHANDRA GOSWAMI: Is he drawing any salary?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, not at all.

Mr. ABU HOSAIN SARKER: Will the Hon'ble Minister be pleased to state whether there is any possibility of that gentleman coming back as a member of the Land Revenue Commission?

Mr. SPEAKER: That question does not arise.

Primary school teachers in the district of Mymensingh.

***484. Maulvi MUHAMMAD ISRAIL:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) the number of primary teachers in the district of Mymensingh previous to the introduction of the free scheme;

(*b*) the number of trained and untrained teachers amongst them showing the number of Matriculates in each group;

(*c*) the total number of teachers necessary under the free scheme;

(*d*) the number of teachers, if any, appointed under the free scheme from districts other than Mymensingh; and

(*e*) the number of teachers from other districts and other subdivisions trained in the Kishoreganj Guru Training School within the last 15 years?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) 7,208

		Matriculates.	Non-Matriculates.
(*b*) Trained	.. ..	235	1,890
Untrained	.. ..	251	4,832

(*c*) 7,902.

(*d*) 105.

(*e*) 3 from Sadar subdivision and 7 from Dacca district.

Grant-in-aid to Junior Madrasahs.

*485. **Mr. MD. BARAT ALI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the condition of the junior madrasahs in the Province is deteriorating day by day;

(*ii*) that the present grants are not adequate; and

(*iii*) that there are no feeder institutions?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of—

(*i*) sanctioning a minimum monthly grant of Rs. 50 per each madrasah;

(*ii*) introducing Arabic from class IV instead of from class I as is now the practice?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) No.

(*ii*) Yes, but Government have approved a scheme for an additional allotment of Rs. 1,69,938 to be provided in three years, viz., Rs. 69,938 in the first year, Rs. 1,19,938 in the second year and Rs. 1,69,938 from the third year, for increased grant-in-aid to madrasahs. The first instalment of the grant has already been provided in the Education Budget of 1938-39.

(*iii*) Yes, maktabs serve as feeder institutions to madrasahs to some extent.

(*b*) (*i*) No. The grant will be sanctioned in each case after consideration of its merit.

(*ii*) Under the existing arrangement the teaching of Arabic begins from class III and not from class I. The question of teaching Arabic from class IV is under consideration.

District Kanungos in the Dacca Division.

*486. **Mr. S. A. SALIM:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the present number of district Kanungos in the Dacca Division?

(*b*) How many of them are—

(*i*) Muhammadans; and

(*ii*) Hindus?

(*c*) What, if any, is the percentage of appointment of Muhammadan Kanungos prescribed by Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) 14.

(*b*) (*i*) 3 and (*ii*) 11.

(*c*) 33⅓ per cent.

Mr. S. A. SALIM: Will the Hon'ble Minister be pleased to state with reference to answer (*b*) (*ii*) whether he is considering the desirability of taking in more Muhammadans as Kanungoes to bring their number up to the prescribed percentage?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The point is that some of the discharged Kanungoes had to be appointed and so the Muhammadan proportion could not be maintained.

Mr. SPEAKER: The question time is over and we will now take up the other business.

Motion to consider the question of accommodation of the Bengal Legislative Council.

Dr. NALINAKSHA SANYAL: Sir, may I submit that the questions be now finished?

Mr. SPEAKER: I want to take up the motion regarding the accommodation of the Bengal Legislative Council and then resume the questions again after the motion is finished.

Dr. NALINAKSHA SANYAL: There is nothing in the rules to compel us to postpone the questions now and take up this motion, I submit, Sir.

Mr. SPEAKER: All the same the questions will be taken up immediately after the motion is finished. I do not want to keep this matter in abeyance any further.

I find that yesterday, owing to a mistake of mine in the matter of consent to a Select Committee amendment motion, the amendment could not be moved by Mr. Kshetra Nath Singha. I find that it was lying on my table but I had to rule it out on the ground that the consent of the member was not received. Later on I found that the motion was all right and I think that I should give the hon'ble member the benefit and ask him to move his amendment No. 10 now.

Mr. KSHETRA NATH SINGHA: Sir, I beg to move that after the name of Mr. Giasuddin Ahmed the following name be inserted, namely:—

Mr. Amrita Lal Mondal.

Mr. SPEAKER: The debate is now open to discussion.

Dr. NALINAKSHA SANYAL: Which motion we are discussing now?

Mr. SPEAKER: An amendment to the personnel for considering the question of accommodation of the Bengal Legislative Council.

Dr. NALINAKSHA SANYAL: Not the privilege motion?

Mr. SPEAKER: No, that will come afterwards.

I find that there is no member willing to speak on this motion.

Mr. JOGESH CHANDRA GUPTA: No, Sir, may I just mention one thing? With regard to the Committee appointed to go into the question of the desirability of having separate accommodation for the Upper House, I was just wondering this afternoon whether the space above the vestibule could not be utilised for the purpose of accommodating the Upper House. That will be "upper" in the correct sense, and I think it will save all the expenses. We have got 60 attendance of the 60 hon'ble members of the Upper House. If this proposal is examined by the Committee, it will save a good deal of expense and I think the poor men in Bengal and the tax-payers of Bengal will find relief. We know that the two office rooms have been constructed at a cost of about a lakh of rupees and I merely shudder to think if we are going to have an Upper House just like this and to look equally aristocratic, how many lakhs of poor tax-payers' money will be involved in the building!

Mr. ABDUR RAHMAN SIDDIQI: Mr. Speaker, Sir. An Upper House appears to me to be an anachronism in this Year of Grace, 1938. We have suffered the Government of India Act, 1935, and along with that we may suffer this Upper House also. But, Sir, neither the Act nor its gift to us in the shape of the Upper House should be allowed to prolong their existence in this building. I came particularly to attend a meeting of the Bengal Legislative Council, one day and found only a handful of men occupying these seats. From here, I went round this beautiful building and actually found a room where the Upper House could be accommodated. It was the Committee Room, which can safely hold, all the odd sixty members with room to spare. If we propose to make any constitutional progress the Upper House must go, and if we are going to get rid of this Part of the Constitution, it will be wrong and unwise to spend lakhs and lakhs of rupees—I think Rs. 15 lakhs was mentioned in this connection—on something which we may not be of any use later on, a matter of ten years or so. If we pamper to the wishes and desires of the Upper House and the arrogations they are making about their

position, there may be a civil war in Bengal between the two Houses. They want as big a staff as that of the Assembly, they want a secretariat of their own while it is a pity nobody has yet risen in this land of Bengal, as the one in Delhi, to give the President of the Upper House, a Golden Mace! The Bengal Legislative Council has also arrogated to itself the right of interfering with the privileges, special and peculiar, to this House in the matter of financial dispositions. If the envy and jealousy shown by the Council are not curbed at once, this House will have to adopt measures to put it in its proper place. That will lead to trouble. I want the Government to pat the President and the members of the Upper House on the back ----

The Hon'ble Khwaja Sir NAZIMUDDIN: I rise on a point of order, Sir. Whether it is fair for a member to speak in this vein about the President of the Upper House and its members?

Mr. SPEAKER: I also would appeal to the speaker not to say anything which might be even in the nature of a reflection on the President and the members of the Upper House.

Mr. ABDUR RAHMAN SIDDIQI: It is my intention to denounce, if the law of discussion permits, the misplaced ambitions of these gentlemen of the Upper House. If I am not allowed to say things in my own way, I will say this much at least that it will be criminal on our part to waste money on a Select Committee and waste still more money on finding accommodation for the Upper House. Their demands are like the well-known advertisement of a brand of soap, which says,—"he will not be happy until he gets it". As I have said, Sir, they will want a House like ours, they will want a secretariat like ours and a Golden Mace to boot Their ambition to outdo us will undo the Constitution we are trying to work against tremendous odds. After all their life will be, if we are true to ourselves, ten years or less. Not a penny should, therefore, be spent to build a house to accommodate them. We will make arrangements for a suitable habitation for them in a room in this House or elsewhere. As custodians and trustees of the money of the public, we cannot squander it away. We shall have to render account to our master—the voter. I feel that the Government will be well advised not to press this resolution to a vote.

Mr. M. SHAMSUDDIN AHMED: Agreeing with the remarks of Mr. Siddiqi that the Upper House is an anachronism, you will remember, I must say, Sir, that before the inauguration of Provincial Autonomy, there was a Resolution tabled in the Old Bengal Legislative Council on this subject and it was feared by that House—although it was carried—that it would be an anachronism. Now, Sir, we believe

that in the near future this province will be saved the expense and trouble of an Upper House. Therefore, in view of all these things we do not consider a separate building or even a separate room, as Mr. J. C. Gupta has suggested because the moment we admit that a separate room is necessary all its concomitants will necessarily come in. Moreover, the inconveniences of the Hon'ble Ministers of attending at one and the same time the Assembly and the Council will be very great. Hon'ble Ministers can only attend both Houses at different times. Therefore, taking into consideration all these facts I do not think that there is any necessity for any Upper House building to be erected.

This room is quite enough for them to sit, and thereafter we can sit in this House. I hope Government will not be very serious to force a decision on the House, and will abandon the scheme of erecting a building for the Upper House at an expenditure of several lakhs of rupees.

(The House was adjourned for 10 minutes.)

(After adjournment.)

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I hope the honourable members will realise that this is a matter which a responsible body like the Bengal Legislative Assembly should not treat very lightly. I may inform the House that at the time when the question whether there should be an Upper House or not was discussed in the old Bengal Legislative Council, I was one of those who voted against the establishment of a second chamber for Bengal. That was and still is my personal opinion on the question of the second chamber in Bengal. But the present situation is quite different. A Constitution has been given under which a second chamber has got certain statutory existence and, as long as it is there, it has got its statutory right, and I may inform the House that no legislation can be undertaken within a certain period unless there is co-operation from the Upper Chamber. The point before the House is to arrange for suitable accommodation for the Upper House. And some of the suggestions which have been made from the opposite side of the House, I very much deplore, because I am certain that has not been done in a serious way and I am glad to know that none of the Front Opposition party has taken part in this debate——

Dr. NALINAKSHA SANYAL: What about Mr. Shamsuddin?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, but exception proves the rule.

But, Sir, the suggestion that the second Chamber may sit in the vestibule above or in the committee room is one which no responsible body can treat seriously. For example, if the two Houses were sitting at one and the same time one here and the other in the vestibule and the division bell rang, where would the members go—whether they should go to the vestibule or to the Chamber itself? And the rules for meeting will be decided by the Upper House as to the hours that they will meet, and how they will meet. Those members of the Rules Committee who are here will understand what I mean. These rules have got to be approved by the Council, and the Council can, if they so desire, decide in sitting, if they have got a separate place, at the same time as this House. It all depends on whether there is a spirit of co-operation or opposition between the Assembly and the Council, and that spirit of co-operation can come only if there is fair and just treatment of the members of the Legislative Council, and a recognition that they have got a certain status and position under the existing constitution, and as long as that position they have, and as long as you have got a second Chamber in Bengal, you have got to recognise that fact and treat it accordingly. Now, as I have said before, at the time of the debate on the cut motion in this House, what Government are proposing to do is to ask the House to appoint a Committee The members will observe that none of the members of the Government are on this Committee The Council have also got a Committee of their own The Government would like the two Committees to sit together and thresh out the subject thoroughly, and, then, if there is a unanimous and agreed report, it will be most welcome. But if there is not, in any case the two Committees of the two Houses will submit their reports of their respective House which will be duly considered. Ultimately this is the House that will decide as far as the question of fund and expenditure is concerned. So, the members of this House need have no apprehension whatsoever. The Government have given their undertaking that they are not going to incur any expenditure until this House have had an opportunity of expressing their opinion on the report of the Committee that is going to be appointed by this House. So, the question of any expenditure without the approval of this House does not arise. All that Government want is that this House should appoint a Committee and give that Committee a fair chance and opportunity to find or provide suitable accommodation for the Legislative Council, and I am sure that responsible members of this House will realize that this is the least that can be done with regard to an important question like this. Therefore, I hope the members will accept the resolution. I personally do not think that there is any necessity for the amendment that has been moved by Dr. Nalinaksha Sanyal. But if he insists Government will not oppose his amendment.

Dr. NALINAKSHA SANYAL: May I have just one information? Will the Hon'ble Minister kindly let us know whether Government will not proceed with any action in connection with a separate building, before an actual voting on this item so far as expenses are concerned takes place?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have said more than once and I repeat again that no expenditure will be incurred apart from perhaps any absolutely necessary expenditure that may be necessary for supplying information to the Committee of this House as regards the probable estimates of expenditure that may have to be incurred, but there will be actually no expenditure incurred by Government on the actual process of construction of the building until and unless this House has the opportunity of expressing its opinion on the report of the Committee.

Mr. SPEAKER: Before I put the motion to the vote, there is just one matter. It is not for me to say as to what will be the attitude of this House, but I want to know from Government one point as to whether, in case this motion is passed, Government will consider the question of additional accommodation for the Bengal Legislative Assembly Department, because for the time being we are terribly suffering from want of office accommodation. Is that matter likely to come up before the Committee?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the whole object of these two Committees is to go into all these questions, and that is why the Government are not a party to this Committee, so that they can bring these two Committees together and put all the matters which they consider relevant and get the views of this Committee.

Mr. SPEAKER: On behalf of the Assembly I will have to prepare a note and put it before them as to what we consider our requirements to be.

Mr. J. W. CHIPPENDALE: On a point of order, Sir. This motion refers to the Legislative Council alone and it does not include the Assembly Department.

Mr. SPEAKER: I think that question has been settled that separate accommodation, if provided, will be within this compound. So, anything which will be constructed, might be used for others also.

I understand the Hon'ble Home Minister has accepted both the motions which have been moved regarding the personnel of the Committee as well as the one moved by Dr. Nalinaksha Sanyal. In that view I will put the motion in the amended form.

The question before the House is that a Committee composed of the following members be appointed to consider the desirability of constructing a separate building and the question of providing or arranging suitable accommodation for Bengal Legislative Council:—

Members:

(1) Mr. M. Ashrafali, Deputy Speaker (*Chairman*),
(2) Mr. George Morgan, C.I.E.,
(3) Mr. Md. Mohsin Ali,
(4) Mr. M. Farhad Raza Chowdhury,
(5) Mr. Moslem Ali Molla,
(6) Mr. A. M. Abdul Hamid,
(7) Mr. Zahur Ahmed Chowdhury,
(8) Mr. Abul Hossain Ahmed,
(9) Khan Sahib Hamiduddin Ahmed,
(10) Maulvi Abdur Razzak,
(11) Mr. Upendra Nath Edbar,
(12) Mr. Kshetra Nath Singha,
(13) Mr. Santosh Kumar Basu,
(14) Mr. Surendra Mohan Moitra,
(15) Rai Harendra Nath Chaudhuri,
(16) Dr. Suresh Chandra Banerjee,
(17) Dr. H. C. Mukherji,
(18) Mr. Giasuddin Ahmed,
(19) Mr. Birendra Kishore Ray Choudhury,
(20) Mr. Abdur Rahman Siddiqi, and
(21) Mr. Amrita Lal Mondal,

with instructions to submit their report by the 1st of June, 1938, and that the number of members whose presence shall be necessary to form a quorum shall be five.

The motion was then put and agreed to.

Mr. SPEAKER: Before I proceed to the next matter, I would draw the attention of Mr. Abdulla-Al Mahmood who raised the question that his question included the item of cost as regards the Bethune School. I have now gone through the question itself, and at least so far as the typed copy which he has supplied is concerned, there is nothing in the nature of cost. I hope in future when members will

make a complaint about something having been omitted from a question, they will make special enquiry before they make an allegation of any character.

Privilege motion.

Dr. NALINAKSHA SANYAL: I beg to move the privilege motion of which I gave notice in the following terms:—

"Having regard to the fact that a number of questions for which due notices were given are still remaining unanswered, this Assembly is of opinion that suitable arrangements should be made to ensure timely disposal of the questions asked by members, and that the Committee of Privileges should be requested to devise adequate measures for the same."

I shall be very brief in moving this motion, because I feel that everyone in this House agrees with me about the urgency of a motion of this character. The right of interpellation or the right to receive answers to questions put by members of this Assembly is a statutory right and it is a privilege that is ordinarily claimed by every democratic constitution not merely with a view to elicit information, but also to keep an eye on the administration as it is working from day to day. We unfortunately in this House have experienced great difficulties in obtaining answers to our questions in due time. I have in my own personal experience, Sir, a number of questions for which notices were given as early as the 28th of December 1937, which still remain unreplied to. Under the Rules and Standing Orders, we are required to give 15 days' notice to the Government for our questions. The obligation is on one side, but unfortunately the rules do not state anything about the Government's obligation as regards the period within which they should place their answers before this House. I would like this aspect of the question to be very carefully gone into, because I have often found that there is a method in denying replies in due time. I had put a number of questions with a definite objective of using the replies in course of the budget discussions. Unfortunately, these replies came when the budget discussions were over. To-day even now I have one or two questions that have not been placed as yet in the printed list supplied to us, and I know that some other friends also have similar questions. It is very interesting to note that these questions are such as do not require long time for collection of materials, but are such as are inconvenient to the Departments concerned.

Unfortunately, Sir, we feel that it is only on such questions that the House would be more interested, and replies should be given more quickly both in the interests of the administration as well as in the interests of the members concerned. With these observations, Sir, I would beg of you as custodian of the privileges of this House, to

devise some method by which we can get replies in due course. I might in this connection draw your attention to the fact that ever since we met in this session I have been insistently trying to see that more questions are placed from day to day and in spite of repeated attempts, you, Sir, pleaded helplessness although you, I know, tried your very best to see that the replies are expedited. I had, only a few days back, about a fortnight ago, put similar questions to this House when the Hon'ble the Home Minister was pleased to assure us that all the questions will be duly answered before the Session was over. Unfortunately, to-day, we find a rush of answers of about 150 or thereabout in one day. I am afraid it is not humanly possible for any person to go through all these questions and answers in course of half an hour's time and find out what replies the Government have decided to give, and get ready to find out if further information may be needed. With these difficulties I want the House to be acquainted, and I submit that in future at least arrangements should be made, so that the Government would give answers definitely on particular days and on the expiry of a certain number of days, e.g., we are required to give notice of 15 days, but I would make this suggestion that beyond a period of say, 21 days, Government will not be in a position to hold back questions and if they have at all to hold them back on account of want of sufficient time for collecting the data or information required, then they will have to get up, I mean the Ministers, in their seats and say that "we have not been able to get the information within the stipulated time; we want more time". The House will then be in a position to give the Minister concerned further time, if the House knows that the subject matter is such that more time is needed for the collection of the required material. With these suggestions, Sir, I would request that the Hon'ble the Home Minister would be pleased to accept my privilege motion in the form in which I have most humbly and carefully worded, with a view to find out if the Committee of Privileges can find out some means in consultation with the Government and I would request him to accept my motion as it is.

Mr. SANTOSH KUMAR BASU: I do not desire——

Mr. SPEAKER: I think Mr. Basu will be very brief. I shall be very glad if you speak, but I think it is only desirable that in the matter of a privilege motion we should try to have no debate at all. It should be only confined to the member and the Hon'ble Minister-in-charge, unless there is something special on which you want to speak.

Mr. SANTOSH KUMAR BASU: I just wanted to point out one or two things, Sir, for the consideration of the Privileges Committee before which this matter is expected to be placed, if this motion is

carried in the House. I just want to make some suggestions which they might take into consideration, in this connection. It must be admitted, indeed frankly conceded, that when there is a sudden accession of strength to a deliberative body with the right of interpellation conferred upon a larger number of members than used to be the case before, some amount of handicap is felt by the departments concerned in supplying the information that is needed by a very large number of members all at once. In other deliberative bodies whose constitution has suddenly been enlarged, this difficulty has been felt before, and I do realise the position of the Government. At the same time I think that with the introduction of the new constitution Government ought to have anticipated all these difficulties, and ought to have made the necessary provision, by enlarging the necessary staff in due time, so that this kind of complaint might not have been occasioned. One suggestion I might make for the consideration of the Privileges Committee and it is this—that in all questions, the date on which it was received by the Assembly Department and the date on which it was sent to the department concerned ought to be printed on the order paper. That will certainly be a check upon unusual delay in answering questions. That is a device which has been accepted in one other place. And I think, Sir, that if that arrangement is accepted here in this House, it will certainly provide some amount of check on unnecessary and undue delays. With the number of questions limited for each member according to our rules and with this check introduced in our rules, and if necessary, further rules may be provided for that purpose. I think, Sir, we should be able to solve the difficulty to which our attention has been called by this motion.

Mr. SPEAKER: Sir Nazimuddin.

The Hon'ble Khwaja Sir NAZIMUDDIN: I think before I say anything on this subject, I would like to give the members of this House the actual figures of the questions put and the questions so far answered, and then the House can judge for themselves if there is any justification for the motion that has been moved. The total number of questions asked during the current session in all departments has been 947. This 947 is the actual number of questions, but as the hon'ble members know very well, every question or at least most of them starting from "a" go up to l, m, n, etc. And actually we have worked out the average and it comes to practically to this that each question on an average means 4 or 5 questions. So 947 questions multiplied by 4 or 5 will come to something like over 4,000 questions.

Dr. NALINAKSHA SANYAL: They are questions of the same subject. Don't mislead us.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not misleading; it is not always on the same subject. The questions, are divided into parts and they go up to "l, m, i, and o and sometimes q, and r", beginning from "a".

Mr. SANTOSH KUMAR BASU: The whole alphabet.

The Hon'ble Khwaja Sir NAZIMUDDIN: And everyone of those questions has got to be answered and every answer has got to be scrutinised, every answer, not only the answer but the possible supplementaries also have got to be thought out. And I ask the House to judge what is the time that will be taken in dealing with these questions. Take for example, the Home Department. There, 201 questions have been put during this session. Now this means actually 201 files to be dealt with between February 17th and April 7th. Sometimes they have to be put up twice or thrice for further informations or further explanations on the answers that have been already submitted, and as such, 201 multiplied by 5 times that comes to about a thousand. (Dr. NALINAKSHA SANYAL: It comes to 5 to 6 questions a day.) Now this is the figure for the Assembly. Let me take the figures for the Council. The total number of questions put was 473 of which 129 concerned the Home Department. So, altogether over 1,400 questions were put during the session of which the Home Department had to deal with 130. Now, as far as the Assembly is concerned, taking the replies that have been printed and typed out to-day, I believe, speaking subject to correction—only 20 questions have been left unanswered and I regret to confess that practically all of them belong to the Home Department. I believe 19 of them are.

Mr. SPEAKER: 14 belong to the Home Department.

The Hon'ble Khwaja Sir NAZIMUDDIN: And I can assure the House that every one of those questions would have been answered but for the fact that the pressure of work has been so heavy that some of the files had been misplaced or if traced it has not been possible to go through them in due time. (Mr. SANTOSH KUMAR BASU: Files missed in Government offices!) There are about 200 pending files in my room which I have not been able to touch even during the last one month and a half. I may inform the House that I have to sit up to 2 o'clock in the morning almost every day for the purpose of disposing of files, apart from the time spent in office from 10 o'clock in the morning to 8 or 9 p.m. at night.

Now, these are the figures as far as Bengal is concerned. Sir, I shall now give the figures of another Government whose name I will

not mention. According to a report appearing in one of the daily newspapers in one of the provinces 604 questions were put——

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Is it proper for the Hon'ble Minister to depend on newspaper reports and statements?

Mr. SPEAKER: If he does so, he does it on his own responsibility.

Dr. NALINAKSHA SANYAL: But let him say so.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not mentioned the province but there 604 questions were put——

Dr. NALINAKSHA SANYAL: Sir, may we have a reply from the Hon'ble Minister to the point of order raised by me?

Mr. SPEAKER: I cannot help it if he does not reply.

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as my information goes, out of 604 questions, 203 questions were left unanswered, and in another session out of about 407 questions about 305 questions were left unanswered.

Khan Bahadur MOHAMMED ALI: Is it a Congress province?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes. About three days ago in the U. P. Council, the same objections were raised that questions were not being answered in proper time. So, it is not peculiar to this province alone. Mr. Santosh Kumar Basu has dealt with the point in a most judicious manner, if I may say so, and has gone at the root of the cause, namely, that a very large number of questions are put, and it takes considerable time of members of Government in replying to them. Every effort is made to answer questions, and as far as these 20 questions that have been left unanswered, Government undertake to supply the information to the members who have put the questions during the recess, and, at the beginning of the next session, every one of those questions will be answered.

Mr. SANTOSH KUMAR BASU: Why not appoint Parliamentary Secretaries?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is one of the suggestions which I think is certainly worth consideration by Government, because it appears that it is actually extremely difficult to carry on, especially when the suggestion is that every question should contain the date on which it is put and the date on which it is sent to

the Hon'ble Minister concerned. It means that the Hon'ble Minister concerned will have to give an explanation as to why there has been so much delay, but, Sir, the accumulation of files is such that it is impossible to dispose of the files more quickly. Moreover, Sir, we have not got the necessary trained staff who can classify the files and deal with them otherwise. An Hon'ble Minister gets one confidential assistant, but most of them are not capable of even classifying the files. Of course, they are good at the work for which they have been appointed; they are good stenotypists no doubt, but for this kind of Secretariat work they are not really fit. When comparison is made with what obtains in England and other countries, honourable members forget that the Ministers there, apart from the permanent staff—trained and capable—, get a large number of Parliamentary Secretaries, Private Secretaries, Parliamentary Under-Secretaries and Assistant Private Secretaries who assist them in all these matters. Therefore, our difficulties can well be imagined. We do our utmost, Sir, to answer the questions, and there is no deliberate desire on our part to avoid answering any question

The only complaint is one of delay. This question was also discussed in the Rules Committee, and in view of the fact that the Rules Committee is still there I would suggest to the honourable mover of the motion that I do not think that any useful purpose will be served by referring this matater to the Privilege Committee If necessary, when the Rules Committee meets next it may reconsider the question.

Dr. NALINAKSHA SANYAL: Sir, may I just say one word? I am afraid the purpose of this motion has been slightly misunderstood. It may be that the Rules Committee may be requested by the Privilege Committee to devise proper and appropriate rules in this connection, but it is primarily the function of the Privilege Committee to find out or ascertain whether the privileges of the members of this House have been infringed or not in this connection, and, if so, what remedy should be suggested to prevent such infringement. I am afraid that, so far as the Rules Committee is concerned, the labours of that committee are now over, and it has submitted its report. It is only if there is any reference back to that committee from this House that the Rules Committee may meet again. Therefore, although the Rules Committee may remain in existence during the pleasure of this House, there is really no business before it, and unless there is a reference back to that committee we cannot take this matter there. Therefore, Sir, if the Hon'ble Minister has no objection to having this matter discussed in the Rules Committee again, I trust that he will also have no objection to have it discussed by the Privilege Committee to find out whether there is really anything which can be done.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I still think that there is no necessity for this motion because the Privilege Committee is still sitting, and we have yet got to decide as to what are the privileges of the members of this House. So, in that connection, it can take up this matter. Sir, I submit that, in view of the last meeting of the Privilege Committee, the Privilege Committee is not debarred from taking cognizance of this matter.

Mr. SPEAKER: Dr. Sanyal, do you wish to press your motion?

Dr. NALINAKSHA SANYAL: Yes, Sir.

Mr. SPEAKER: The question before the House is the motion of Dr. Nalinaksha Sanyal which reads as follows:—

"Having regard to the fact that a number of questions for which due notices were given still remains unanswered, this Assembly is of opinion that suitable arrangements should be made to ensure timely disposal of the questions asked by members, and that the Committee of Privileges should be requested to devise adequate measures for the same."

Dr. NALINAKSHA SANYAL: On second thought, Sir, I do not press my motion and beg leave of the House to withdraw it.

The motion of Dr. Nalinaksha Sanyal was then by leave of the House withdrawn.

Mr. SPEAKER: Before this matter is finished I may say, with regard to the statement made by Mr. Abdulla-Al Mahmood, that copy of every question which is admitted is sent to the member concerned, and so far as his particular question is concerned, the House should know that Mr. Abdulla-Al Mahmood did not speak on fact. This question was received by the Assembly Department on the 10th March; it was examined by the assistant in charge on the 10th March; it was disposed of by the Secretary on the 10th March; and it was dealt with by me on the same day, *i.e.*, the 10th March, and a copy of it was sent to Mr. Mahmood and to the Administrative Department in the Secretariat on the next day.

Mr. SANTOSH KUMAR BASU: These dates are very important. I hope that these dates will be shown in every instance.

Mr. SPEAKER: Is it the pleasure of the House that we should meet again after the prayer interval?

Dr. NALINAKSHA SANYAL: Yes, Sir, there are still some questions left.

The Hon'ble Mr. A. K. FAZLUL HUQ: Let us all go home now? (Laughter.)

Mr. SYED JALALUDDIN HASHEMY: Let us disperse at once.

Dr. NALINAKSHA SANYAL: I submit, Sir, that we should finish at least one part of the remaining questions.

Mr. SPEAKER: All right.

STARRED QUESTIONS

(to which oral answers were given)

Excise shops in Dacca district.

***487. Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Forests and Excise Department be pleased to state—

(*i*) the total number of excise shops including country and foreign liquor shops and opium and *ganja* shops in the district of Dacca; and

(*ii*) how many of them are owned by the members of the Scheduled Castes?

(*b*) Whether the number of excise shops belonging to the Scheduled Castes is not adequate to their population strength?

(*c*) If the answer to (*b*) is in the affirmative, do the Government desire to adopt a definite policy for providing the deserving members of the Scheduled Castes with adequate number of licences at the time of new settlement?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*)(*i*) 151.

(*ii*) 2.

(*b*) This is a matter of opinion. Shops are not settled on the population basis.

(*c*) The claims of deserving candidates of all communities are duly considered as shops fall vacant.

Embankment on the river Mor in Birbhum.

***488. Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Is the Hon'ble Minister in charge of Communications and Works (Irrigation) Department aware—

(*i*) that the embankment on the south bank of river Mor near the village Lambodarpur, thana Suri, district Birbhum, broke through about 26 years ago damaging large tracts of paddy fields in thana Suri through sand deposits;

(*ii*) that the distressed *raiyats* submitted a number of petitions to the local authorities, and several memorials to their Excellencies the Governors of Bengal; and

(*iii*) that the memorials were duly received in the Irrigation Department and the memorialists were informed that their case was receiving consideration of the Government?

(*b*) Is the Hon'ble Minister also aware—

(*i*) that survey was made, estimates and plans were prepared about the year 1914;

(*ii*) that the matter was kept in abeyance on account of financial stringency; but

(*iii*) up to this time no further steps have been taken in this direction?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, is the Hon'ble Minister considering the desirability of taking steps in the matter by allotting funds necessary for the purpose?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) and (*b*) (*i*) and (*iii*) Yes.

(*ii*) No. The embankment is a *zemindary* embankment and as such liability for its maintenance rests with the *zemindars*.

(*c*) No. The member is referred to the reply to item (*b*)(*ii*) of the question.

Constant changes of text-books.

***489. Mr. MD. BARAT ALI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) of the constant changes of text-books every year; and

(*ii*) that many students have to give up their studies through inability to purchase new books annually?

(*b*) If the answer to (*a*) is in the affirmative, what steps, if any, does the Hon'ble Minister contemplate taking in this matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: I would refer the member to my reply to starred question No. 303 by Mr. Charu Chandra Roy during the current session of the Assembly and would add that the actual selection of text-books for primary schools out of the list approved by the Director of Public Instruction for 4 years is made by District Boards or, where these have been set up, District School Boards.

Government are not responsible for changes in the books within that period.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if Government would consider the desirability of issuing circulars to District Boards and District School Boards not to change text books before 4 years?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not considered the question, but I may.

Debt settlement case of the district of Tippera.

***490. Maulvi JONAB ALI MAJUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) whether it is a fact that No. 2 Kalocho Debt Settlement Board of Hajiganj police-station (Tippera) duly sent a notice under section 33 of the Bengal Agricultural Debtors' Act in connection with the decree of a rent suit No. 1416 of 1937 to the Second Munsif of Chandpur;

(*ii*) whether it is a fact that after the receipt of the said notice the Second Munsif issued a distress warrant in execution of the same decree against the judgment-debtor concerned in compliance with a prayer on behalf of the decree-holder;

(*iii*) whether the Government are aware that the peon who was deputed to execute that particular distress warrant was permitted to lodge a complaint under section 183, Indian Penal Code, against the judgment-debtor concerned by that Munsif on 18th November, 1937, and who actually did so before the Subdivisional Officer of Chandpur; and

(*iv*) whether it is a fact that the criminal case under section 183, Indian Penal Code, brought against the accused, the judgment-debtor, was ultimately withdrawn by the peon?

(*b*) Do the Government consider the desirability of enquiring into the matter?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*), (*iii*) and (*iv*) Yes.

(*ii*) Yes. No action was taken on the notice by the Munsif under the Bengal Agricultural Debtors Act as it was found by him from the certified copy of the petition filed before the Debt Settlement Board that all the judgment-debtors had not joined the petition as required under section 9, sub-clause (*b*), Bengal Agricultural Debtors Act, and hence the notice was held by him to be *ultra vires*. Hence the execution case was registered and duly proceeded with and warrant under Order 21, Rule 30, C. P. C., was issued but was resisted by the judgment-debtor.

(*b*) This is really a judicial matter, but I understand that the prosecution was withdrawn as a result of the case reported in 42, C. W. N., page 529.

Allegations against the Sub-Inspector of Schools, Netrokona Circle, in matter of appointment of primary school teachers.

***491. Mr. ABUL HOSAIN AHMED:** (*a*) Has the Hon'ble Minister in charge of the Education Department received any representation from the Netrokona Anjuman making allegations against the Sub-Inspector of Schools, Netrokona Circle, in the matter of the appointment of primary school teachers?

(*b*) If the answer to (*a*) is in the affirmative, have the Government taken any action on the said representation?

(*c*) If not, why not?

The Hon'ble Mr. A. K. FAZLUL HUQ: Some reports were received against the Sub-Inspector of Schools and he has been transferred.

Mr. ABUL HOSAIN AHMED: Will the Hon'ble Minister be pleased to state if it is not a fact that the Sub-Inspector of Schools acted against the decision of the Sub-Committee and that he tampered with the proceedings of the Committee by inserting the names of teachers in place of those recommended by the Sub-Committee?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of that but I may tell the House that he is under orders of transfer.

Recruitments in connection with the selection of State records.

***492. Maulana MD. ABDUL AZIZ:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state whether it is a

fact that some recruitments have been made in January, 1938, in the Home (Records) Department in connection with the selection of State records?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state how many Muslims have been appointed?

(*c*) What was the number of Muslims and non-Muslim candidates who applied for those posts?

(*d*) What were their academic qualifications?

(*e*) What are the qualifications of those appointed?

(*f*) Are any of them who were appointed, related to the Head Assistant and the Registrar of the Chief Secretary's office? If so, how many?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) Three.

(*c*) As no applications were called for the question does not arise.

(*d*) Does not arise.

(*e*) One I.Sc., 3 matric and 2 non-matric.

(*f*) Two.

Dr. Maulana Al-Haj SANAULLAH: Will the Hon'ble Minister be pleased to state what is the total number of appointments made up till January 1938?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Steps for the prevention of corruption in the department.

***493. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state what steps, if any, have been taken so far for the prevention of corruption in the department to which attention was drawn during the budget discussions in August last?

(*b*) Whether it is a fact that certain allegations of favouritism on the part of the Assistant Secretary, Public Works Department, and the Executive Engineer, City Division, have been brought to the notice of Government?

(*c*) If so, what steps have been taken on these allegations?

(*d*) Whether it is a fact that the construction of the temporary extensions to the Assembly buildings for the accommodation of the Assembly and Council Offices was given by the Executive Engineer, City Division, without calling for tenders?

(*e*) Does the contractor appointed bear any relationship with the Executive Engineer, City Division?

(*f*) Will the Hon'ble Minister be pleased to lay on the table the detailed specifications, item by item, the estimated rates and measurements, and the actual rates, measurements and amounts, separately and in the total, charged for the two extension sheds, northern and southern?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) The member is referred to my budget speech in which I outlined the measures which I have taken and intend to take in the future.

(*b*) Yes, some vague allegations have been made.

(*c*) Enquiries are being made.

(*d*) No, in view of the urgency of matter, competitive tenders were not called and the Chief Engineer was asked to select the contractor himself.

(*e*) Yes; but, as stated before, the contractor was selected by the Chief Engineer and not by the Executive Engineer, City Division.

(*f*) A certified copy of the detailed estimate and a certified copy of the final bill of the contractor for the northern buildings are placed on the Library table; in the case of the southern buildings the estimate has not yet been formally scrutinised, nor has the final bill been prepared.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that specific allegations were made against the Assistant Secretary of the Public Works Department pointing out definitely that his brothers and several relations are being patronised in the various divisions of the Public Works Department as contractors?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I emphatically deny the statement. No definite allegation has been made. Some vague and indefinite complaints have been put forward by disappointed and disgruntled contractors which have no substance in them.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that an application signed by a particular gentleman was sent to him on a definite date and that the application was received and acknowledged by the department as early as May, 1937, drawing attention to specific grievances? This letter was acknowledged by a letter No. 2303 of 25th September 1937. Subsequently a reminder was sent to the Hon'ble Minister in charge himself in a registered cover to which the Chief Engineer replied on the 29th June 1937, that the matter was receiving his attention.

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: If a certain letter was received on a certain date by the Office, that letter is there. Many such letters are received in the office.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that relations of several high officials of Government, including the son-in-law of one Assistant Secretary of the Local Self-Government and Public Health Department under the name of N. K. Chatterjee & Co., have been patronised by the Public Works Department?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the father-in-law and two brothers-in-law of the Executive Engineer, City Division, have been patronised by giving them a number of contracts in the City Division?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: There is no question of patronising a relation. Tenders are called in the open market and the lowest tenders are generally accepted.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in the case of the father-in-law and the two brothers-in-law concerned, namely, Mr. A. K. Aditya ——

Mr. SPEAKER: Order, order. Names should not be mentioned.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that in some cases no tenders were called and there was no question of accepting the lowest tender?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: If the honourable member is referring to the temporary extensions of the Assembly House, I have already stated in my reply to (*e*) definitely that the selection of contractor was made by the Chief Engineer with the approval of the Cabinet and not by the Executive Engineer concerned.

Dr. NALINAKSHA SANYAL: This is not an answer to my question. My question was if the Hon'ble Minister is aware that in the case of the father-in-law and the brothers-in-law there have been several contracts in which no tenders were called for, particularly I may refer to the brothers-in-law who were given contracts for quadrennial and other repair works where no tenders were called?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I do not know to which brother-in-law the honourable member is referring.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the son of the Head Clerk of the Hijli Division office has been enrolled as a contractor of that very Division and has been getting a number of contracts?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Anybody may be enrolled as a contractor if he has the requisite qualifications. Relationship should not be a bar to such enrolment.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that some of the contractors who have been enrolled in the Public Works Department do not possess any engineering or other qualifications worth mentioning?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: It is very difficult to answer a sweeping question like that; but I have already stated in my budget speech that I am going to have the list of contractors revised and shall see that candidates only with requisite qualifications are enlisted.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state if these estimates, measurements and rates and other things come under the scrutiny of the Accountant-General of Bengal at the time of audit and will it form part of his report on the appropriation of accounts?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I think the usual practice will be followed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister——

Mr. SPEAKER: I will not allow any more supplementary questions on this. I have already allowed you to ask more than ten supplementary questions on this. I may say that, strictly speaking, most of your questions do not arise, but I have allowed you to put them because I felt that you were making serious allegations and it is desirable that the Hon'ble Minister should have an opportunity to reply to them.

Dr. NALINAKSHA SANYAL: Sir, I have only one important question to ask?

Mr. SPEAKER: What is your question?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister consider the desirability of investigating into the number of contractors in the Public Works Department who happen to be related to officers and staff past or present of the Public Works Department and other Government Departments?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I have nothing further to add. I have enunciated during the budget discussion the policy which I am going to follow in giving future contracts, and I think that includes everything.

Accounts of the Darjeeling Himalayan Railway.

*494. **Khan Bahadur A. F. M. ABDUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works (Railway) Department be pleased to state whether it is a fact that the accounts of the Darjeeling Himalayan Railway are not subject to check by the Accountant-General, Bengal, except to a limited extent?

(*b*) (*i*) Whether the income from interchanged traffic with Darjeeling Himalayan Railway cannot be checked by the Accountant-General, Bengal?

(*ii*) Whether the income from interchanged traffic is affected by clause 16 of the agreement between Government and Darjeeling Himalayan Railway?

(*iii*) If the answer to (*b*) (*ii*) is in the affirmative, what part of it is so affected?

(*c*) Is it a fact that this company enjoy certain privileges but contribute a small sum to Government for repairing and maintaining the Hill Cart Road?

(*d*) Whether it is a fact that for certain diversions from the Hill Cart Road that they made for their railway they annually took about 40 per cent. of the income and have already realised many times the amount they spent for this?

(*e*) Are the Government considering the desirability of taking over this railway?

(*f*) Is it a fact that—

(*i*) this railway is paid at fixed rates for repairs, etc., to the Hill Cart Road, as Government Agents; but

(*ii*) they get the work done by sub-contractors?

(*g*) Is the Hon'ble Minister considering the desirability of issuing notice for termination of the agreement to be served under clause 22 of the agreement?

The Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) and (*v*) (*i*) Yes.

(*ii*) and (*iii*) This is now claimed by the Railway and is under arbitration.

(*c*), (*d*) and (*f*) Yes.

(*e*) The question is being examined—but it has now become a Federal Railway and final decision rests with Government of India.

(*g*) It is under consideration.

Palsunda Union Board election, Nadia.

***485. Mr. MD. MOHSIN ALI:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(*i*) the names of Circle Officers in North and South Circle of Meherpur subdivision in Nadia; and

(*ii*) who is in charge of the Palsunda Union Board?

(*b*) Is it a fact that the nomination paper of a candidate for the recent Palsunda Union Board election was rejected after acceptance and only a day or two before the election?

(*c*) Who scrutinised the nomination papers of the Palsunda Union Board?

(*d*) Is it a fact that the nomination paper was rejected on the recommendation of the officer who scrutinised the nomination papers?

(*e*) Is it a fact that the recommendation of the officer was based on his personal knowledge whether the candidate is entitled to stand for the Union Board election?

(*f*) If so, how many times did the officer go to the Palsunda Union Board within a year before the election?

(*g*) What is the source of his information?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) (*i*) North Circle, Babu S. S. Majumdar; South Circle, Maulvi Md. M. A. Muttaleb.

(*ii*) Maulvi Md. M. A. Muttaleb.

(*b*) The nomination paper of Maulvi Md. Mohsin Ali, M.L.A., was at first accepted but was subsequently rejected a few days before the election on the ground that he was not a resident of the union within the meaning of section 7 (2) of the Bengal Village Self-Government Act.

(*c*) Babu S. S. Majumdar, who was then in charge of the circle in which this Union Board is situated.

(*d*) It was rejected by the Circle Officer after enquiry.

(*e*) to (*g*) Do not arise.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if any appeal lies from the scrutiny of the Circle Officer?

The Hon'ble Mr. SYED NAUSHER ALI: I think not.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state who was the Circle Officer that conducted the enquiry?

The Hon'ble Mr. SYED NAUSHER ALI: I think Maulvi Md. M. A. Muttaleb.

Engagement of Muslim lawyers in different branches of the Calcutta Improvement Trust.

***496. Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the total number of lawyers, retained or engaged by the Calcutta Improvement Trust and the respective number of Muslim lawyers in each of the following branches:—

(*i*) as land agents;

(*ii*) in the Improvement Trust Tribunal;

(*iii*) in the Court of Land Acquisition Collector;

(*iv*) in the Land Acquisition Appellate Court;

(*v*) in the Small Causes Court and the Police Court in Calcutta;

(*vi*) in the Sub-Judge's and Munsiff's Court at Alipore; and

(*vii*) in the Small Causes Courts and Police Courts at Alipore and Sealdah?

(*b*) What steps, if any, Government propose to take to increase the number of Muslim lawyers, if it is unsatisfactory?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) (*i*) Two.

(*ii*) Two.

(*iii*) Nil.

(*iv*) Two.

(*v*) to (*vii*) One each as occasion arises.

None of these at present are Muslim lawyers.

(*b*) The Calcutta Improvement Trust is an autonomous body and the Government have no hand in the matter.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that the Chairman of the Calcutta Improvement Trust is appointed by the Government?

The Hon'ble Mr. SYED NAUSHER ALI: Yes.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state if it is a fact that the Chairman of the Improvement Trust is a member of the Indian Civil Service?

The Hon'ble Mr. SYED NAUSHER ALI: The present incumbent is.

Allegation of maladministration and corruption in certain societies and banks.

***497. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state what actions have been taken so far in regard to each of the allegations of maladministration and corruption to which the attention of Government was drawn in respect to the following societies:—

(*i*) Hooghly Central Co-operative Bank, Limited;

(*ii*) South Calcutta Co-operative Credit Society, Limited;

(*iii*) Calcutta Co-operative Milk Societies Union, Limited;

(*iv*) Chatra Serampore Central Bank, Limited;

(*v*) Bengal Co-operative Officers' Credit Bank, Limited;

(*vi*) Bengal Nagpur Railway Employees Urban Bank, Limited; and

(*vii*) Bengal Provincial Co-operative Bank, Limited?

(*b*) Is it a fact that the reports of the investigating officers have been received for some time in respect to some of the above?

(*c*) If so, what are their recommendations?

(*d*) Is it a fact that in some of the reports certain immediate actions are recommended?

(*e*) If so, what steps have been taken so far on them?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) Persons held responsible have been prosecuted and convicted and have appealed.

(*ii*) Enquiry has been held and report submitted by the investigating officer.

(*iii*) Enquiries are in progress and are expected to be completed shortly.

(*iv*) Scheme for reconstitution of the society has been drawn up and its working is being watched.

(*v*) Enquiry has been completed and report submitted by the investigating officer which is under consideration.

(*vi*) A prosecution of the Chairman has been started and the case is *sub judice*.

(*vii*) I am unaware of any allegations of maladministration and corruption with regard to the Bengal Provincial Co-operative Bank, Limited.

(*b*) Reports with regard to (*a*) (*ii*) and (*v*) above were submitted a few weeks before and are under consideration.

(*c*) to (*e*) The reports are confidential and their contents cannot be disclosed.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when he has received the reports of the investigating officer in relation to answers (*a*) (*ii*) and (*a*) (*v*) and what action has been taken so far on those reports?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would like to refer the hon'ble member to my answer (*b*). If a definite date is wanted, I must ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in connection with this investigation serious dereliction of duties, if not serious corruption, has been discovered on the part of the Registrar of Co-operative Societies in connection with one such enquiry?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already said that the report is under the consideration of Government and I would refer the hon'ble member to my answers (*c*) and (*e*). The report is confidential.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that in connection with the Co-operative Milk Societies Union certain very serious breaches of rules as well as defalcations have been discovered and the reports have been in possession of Government for a pretty long time?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I would again refer the hon'ble member to my reply (*b*) and what the report contains or does not contain is still under consideration of Government.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the officer concerned against whom serious charges have been framed by the enquiring member has been recently appointed for a particular time the Assistant Registrar of Co-operative Societies?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: The Union has several officers; I do not know what officer my hon'ble friend refers?

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Mr. Nirendra Nath Bose who has been for some time under orders of Government acting as Assistant Registrar, Burdwan Division, is the officer against whom serious charges have been made?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: That officer has been acting in that capacity for the time being. Whether any serious charge has been made against him I do not know.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that Mr. Edgely in the Tribunal made serious observations against the conduct of that particular officer in connection with certain election petition that was enquired into?

Mr. SPEAKER: That is not within the special knowledge of the Minister.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether this appointment as Assistant Registrar was made with his knowledge and with his approval?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: All appointments are made by Government.

Mr. SANTOSH KUMAR BASU: I am just asking a specific question as to whether it was done with the knowledge and approval of the Minister himself?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry that question does not arise out of this.

Mr. SANTOSH KUMAR BASU: I do not think the Hon'ble Minister is a Judge as to whether that supplementary question arises or not. It is the Speaker's function. The Minister can say I am not going to reply to it. Is it what he says?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I have already said subject to your ruling that that question does not arise.

Mr. SANTOSH KUMAR BASU: I do appeal to you, Sir, to decide whether this question does arise or not?

Mr. SPEAKER: What is the question?

Mr. SANTOSH KUMAR BASU: Whether this appointment was made with the knowledge and the approval of the Minister himself?

Mr. SPEAKER: It does arise out of the supplementary question put by Dr. Sanyal.

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: It was done with my approval.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether before giving his approval to this appointment he ever cared to enquire whether there was any serious allegation against this officer?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I submit that question did not arise at the time when this acting appointment was made.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that this particular officer was requisitioned to help him in giving a party to His Excellency the Governor?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the approximate time by which the enquiries and the reports that are under examination at the moment will be finished and acted upon by the Government?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: I am sorry I can not prophesy but I will look into them as quickly as possible.

Appointment of Muhammadan clerks in future vacancies in certain offices under the Communications and Works Department.

*498. **Mr. ABDUR RASCHID MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement, showing—

(*i*) the number of clerks in the following grades in the offices of the Superintending Engineers, Central and Presidency Circles, and in the Divisional offices attached to these two Circles:—

(1) Rs. 200—300,

(2) Rs. 125—150, and

(3) Rs. 90—120; and

(*ii*) how many of them are Muhammadans?

(*b*) If there are no Muhammadan clerks in these offices, do the Government contemplate appointment of qualified Muhammadan clerks in future vacancies?

(*c*) Will the Hon'ble Minister be pleased to state how many Hindu clerks of the said grades in all these offices have been granted extension?

(*d*) If so, for how many times?

(*e*) Do the Government contemplate stopping this practice of granting extensions in these days of unemployment?

(*f*) Will the Hon'ble Minister be pleased to state whether there is a Government Circular to the effect that "it is the duty of Government to take measures to ensure that there shall be in future a sufficient proportion of Muhammadans in certain of the higher services to ensure that the general interests of the community shall not suffer and that the activities of Government as a whole shall be for the benefit of the whole population, that this proportion shall be fixed, not necessarily in accordance with, but on the basis of population, that with regard to subordinate appointments a sufficient share is allotted to the Muhammadans to encourage the education of the community and to prevent the monopoly of public employment to one class or community"?

(*g*) If the reply to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) when was this circular issued;

(*ii*) what steps, if any, have been taken to give effect to it; and

(*iii*) whether in spite of the circular some Hindu clerks have been promoted to the upper grades in preference to Muslim clerks; and

(*iv*) if so, why?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) A statement is laid on the table.

(*ii*) None.

(*b*) Clerks in those grades are recruited by promotion from the lower grades. The question of direct recruitment to the higher grades is under consideration of Government. There are of course several Muhammadan clerks in the lower grades in both the circles.

(*c*) No extension has been granted.

(*d*) and (*e*) Do not arise.

(*f*) Yes.

(*g*) (*i*) In March, 1927.

(*ii*) A number of orders has been issued from time to time to implement the circular.

(*iii*) Appointment to the upper grade being by promotion, the question of communal interests does not arise. Promotions are made under the existing orders on merit alone or on merit combined with seniority, as the case may be.

(*iv*) Does not arise.

Statement referred to in the reply to clause (a) (i) of starred question No. 498 regarding number of clerks in certain higher grades in the offices of Superintending Engineers, Central and Presidency Circles, and in the Divisiona, Offices attached to these two Circles.

	Grade of Rs. 200—300.	Grade of Rs. 125—150.	Grade of Rs. 90—120.
Office of Superintending Engineer, Central Circle, and in the Divisional Offices attached to the Circle ..	1	1	4
Office of Superintending Engineer, Presidency Circle, and in the Divisional Offices attached to the Circle ..	1	1	6

Holding of meeting of Bongaon Local Board, Jessore.

***499. Mr. SERAJUL ISLAM:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that the Chairman, Bongaon Local Board, Jessore, was directed by Government in notification No. 1835 L.S.-G., in the *Calcutta Gazette*, dated the 8th April, 1937, to hold meetings of the Local Board?

(*b*) If the answer to (*a*) is in the affirmative, was any meeting held there at all in obedience to the said notification?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, what were the results of such meetings or meeting?

(*d*) If the answers to (*a*) and (*b*) are in the negative, do the Government propose taking any steps in the matter?

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) Government in their notification No. 1835 L.S.-G., dated the 2nd April, 1937, fixed a date under section 10(*1*) of the Local Self-Government Act for holding a meeting of the Bongaon Local Board for electing members of the Jessore District Board.

(*b*) to (*d*) No meeting of the Bongaon Local Board was convened by the Chairman on the ground, as alleged by him, that he did not receive the Government order in good time to issue notice but Government received a report to the effect that 8 members of the Local Board assembled on that date on the verandah of the Local Board office and passed certain resolutions. As these proceedings were not in accordance with law and the rules framed thereunder, they were annulled by Government under section 120 of the Local Self-Government Act and steps were thereafter taken under section 10(2) of the Local Self-Government Act.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if the Government were satisfied that the ground mentioned by the Chairman of the Local Board was bona fide?

The Hon'ble Mr. SYED NAUSHER ALI: That question does not, strictly speaking, arise.

Drying up of the river Ichamati, Pabna.

***500. Maulvi AZHAR ALI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that the river Ichamati in Pabna has dried up; and

(*ii*) there was an attempt to reclaim the bed of the river when Rai S. C. Basu Bahadur was District Magistrate?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking steps to keep the river in a flowing condition?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*)(*i*) The river has been gradually deteriorating for many years. There is a flow of water during the floods only.

(ii) Yes.

(b) No. The cost of effective dredging or silt clearance of the river to keep it in flow throughout the year would be prohibitive.

Number of persons in the Provincial Executive and Judicial Services who have completed 25 years' service.

*501. **Mr. ABDULLA-AL MAHMOOD:** Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state separately how many officers are there in the department of Provincial Executive and Judicial and Education and of Subordinate Executive and Educational Services and Bengal Medical Service, both Provincial and Subordinate, who have completed 25th year of service? Is the Government considering the desirability of reducing the cost of administration by taking steps for their retirement?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement showing the number of persons in the services mentioned who have completed 25 years' service is laid on the table. Government have not yet reached the conclusion that acceleration of retirements would reduce the cost of administration.

Statement referred to in the reply to starred question No. 501, showing the number of officers who have completed 25th year of service in Provincial and Subordinate Executive, Educational, Judicial and Medical Services.

		Number of officers.
Bengal Civil Service (Executive)	...	82
Bengal Junior Civil Service (Executive)	...	59
Bengal Educational Service	...	76
Subordinate Educational Service	...	214
Bengal Civil Service (Judicial)	...	13
Bengal Medical Service	...	19
Bengal Medical Service (Subordinate)	...	79

Appointment of non-Bengalis to Government services.

*502. **Maulvi ABDUL HAKIM:** (a) Is the Hon'ble Minister in charge of the Finance Department aware of a resolution passed by the old Legislative Council in August, 1933, to the effect that none but

Bengalis or persons domiciled in Bengal would be appointed in services of the Government of this Province so long as suitable Bengalis or persons domiciled in Bengal are available?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any non-Bengalis or men not domiciled in Bengali have been appointed in the Secretariat and attached offices of this Government temporarily or permanently in the superior services (both gazetted and non-gazetted) since then?

(*c*) If so, will the Hon'ble Minister be pleased to state—

(*i*) the number of such appointments;

(*ii*) the names of the posts;

(*iii*) the dates of such appointments;

(*iv*) the qualifications of the persons so appointed; and

(*v*) the reasons for such appointments?

(*d*) Is the Hon'ble Minister considering the desirability of making no such appointments in future?

(*e*) Is the Hon'ble Minister aware of an increasing unemployment in the Province?

The Hon'ble Mr. NALINI RANJAN SARKER: I have not yet succeeded in obtaining all the information required by the hon'ble member. Will communicate the answers to the hon'ble member as soon as my information is complete.

River Marasati in Rangpur.

***503. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works Department aware—

(*i*) that there is no bridge between mile posts 4/5 and 4/6 on the Bengal Dooars Railway between the railway stations Lalmonirhat and Aditmari to permit the flow of water in the river Marasati in the district of Rangpur;

(*ii*) that there is water-logging in the area; and

(*iii*) that the public health and agriculture of the locality have been affected?

(*b*) If the answer to (*a*) is in the affirmative, what steps do Government propose taking to ensure undisturbed flow of the water in the said area during the rainy season?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: I have no information. The matter has been referred to the Manager and Engineer-in-chief, Bengal Dooars Railway Company, Limited, and will receive due consideration as soon as his reply is received.

Appointment of Mussalmans in the Public Health and Local Self-Government Departments.

The Hon'ble Mr. SYED NAUSHER ALI: (*a*) and (*b*) With reference to the starred question No. 142 put by Mr. Md. Abul Fazl, M.L.A., to which an *ad interim* reply was given in the Assembly on the 4th March, 1938, a statement is laid on the table.

STATEMENT.

Branches.	Total number of appointments made since 1st April, 1937.	Number of Mussalmans among them.	Remarks.
Medical Department ..	393	65	Excludes honorary appointments in hospitals but includes menials.
Public Health Department ..	43	26	Includes menials.
Local Self-Government Department.	18	11	Ditto.
Total ..	454	102	

Mr. SPEAKER: I wish to adjourn the House for 15 minutes for prayer. After that if there is any important supplementary question in the pocket of Dr. Nalinaksha Sanyal, he may ask that question. I will then dispose of the other questions by simply asking the hon'ble members to put supplementary questions, if any. I do not want to sit after 7 p.m. as several members want to go home to-night; I must look to their convenience.

(The House was adjourned for 15 minutes.)

(After adjournment.)

STARRED QUESTIONS

(to which oral answers were given)

Transfer of certain officers from the Government of Bengal to the Government of India.

***504. Miss MIRA DUTTA GUPTA:** Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state—

(*a*) the reasons for transfers of Mr. F. W. Kidd, I.P., of the Intelligence Branch, Bengal, Mr. M. K. Johnston, I.P., Deputy Commissioner of Police, Special Branch, and Mr. J. N. Talukdar, I.C.S., Additional Deputy Secretary, Home Department, from Bengal to the Government of India;

(*b*) the posts to which they are being sent and the duties they will perform; and

(*c*) whether any part of their salaries during the period of their deputation would be borne out of the revenues of the Province?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The services of these three officers have been lent to the Government of India at their request.

(*b*) (*i*) Mr. F. W. Kidd, I.P., is Central Intelligence Officer for Bengal and Assam.

(*ii*) Mr. M. K. Johnston, I.P., is Assistant Director in the Intelligence Bureau, Home Department, Government of India.

(*iii*) Mr. J. N. Talukdar, I.C.S., is Additional Deputy Secretary in the Home Department, Government of India.

These officers are performing the duties usually attached to these posts.

(*c*) No.

Dr. NALINAKSHA SANYAL: Sir, I want to put a supplementary question on this, but the Hon'ble the Home Minister is not present.

Mr. SPEAKER: I hope somebody will send for the Hon'ble the Home Minister. All the Ministers should also be present.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, while the Hon'ble the Home Minister is coming in perhaps questions may be taken up not belonging to the Home Department.

Dr. NALINAKSHA SANYAL: No; this question the Hon'ble Sir Bijoy may be in a position to answer.

Mr. SPEAKER: Sir Nazimuddin has come in, running. No doubt this is a good exercise for him.

Dr. NALINAKSHA SANYAL: Now my supplementary question is this: Will the Hon'ble Minister be pleased to state if it is a fact that these gentlemen have been selected for having had to do with detenus or those who are involved in political crimes?

The Hon'ble Khwaja Sir NAZIMUDDIN: I can give an emphatic "No" to this question, Sir.

Dr. NALINAKSHA SANYAL: Is it a fact that these 3 persons, namely, Mr. Kidd, Central Intelligence Officer, Mr. Johnston, Assistant Director in the Intelligence Bureau, and Mr. J. N. Talukdar, Additional Deputy Secretary in the Home Department, were officers who were principally or largely concerned with the files of detenus and political prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, Sir, Mr. Kidd was recently in Darjeeling, from there he went to Dacca and he only came a short time ago, I believe, from Dacca and took over charge of this post of Central Intelligence Officer, and I doubt if he had anything to do specially with detenus and political prisoners. Mr. Johnston was in the Special Branch and naturally had to do with Intelligence work. He is a brilliant officer and, therefore, has been selected by the Government of India. Mr. Talukdar had to do with the detenus and political prisoners, it is true, as Deputy Secretary, but he only came in because somebody else could not be spared.

Dr. NALINAKSHA SANYAL: Is the Government aware that beginning from Mr. S. N. Roy's appointment sometimes back in the Government of India, so far only such officers have been sent on deputation to the Government of India who had been connected with or concerned in the handling of files of detenus and political prisoners?

The Hon'ble Khwaja Sir NAZIMUDDIN: This again is absolutely wrong. During my regime more than one Indian Officer has gone to the Government of India who had nothing to do with detenus or political prisoners, and I may mention the name of Mr. Subimal Dutt, which comes straightaway to my mind.

Percentage of the Scheduled Castes in Government services.

*505. **Mr. MONMOHAN DAS:** (a) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state whether percentages for the services of the Scheduled Castes have been fixed in all the departments of the Government of Bengal?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) the ratio, now fixed, in the ministerial and upper services; and

(ii) whether the said order has been circulated to all the District Officers and all other appointing authorities?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) and (b) (i) Fifteen per cent. of the total number of vacancies in the ministerial service in the districts of Dacca, Birbhum, Burdwan, Khulna, Jessore, Murshidabad, 24-Parganas, Bakarganj and Faridpur are reserved for members of the minority communities and backward classes. In the districts of Rangpur, Dinajpur and Jalpaiguri, a working rule is adopted that one candidate against every four temporary vacancies shall be recruited provided qualified candidates are available.

In the Bengal Civil Service (Executive), Bengal Junior Civil Service, Bengal Excise Service and Bengal Junior Excise Service, Government reserve the right to nominate up to a limit of 10 per cent. of appointments, if candidates of these communities and classes are not successful in open competition. In the Bengal Medical Service (Upper), Government reserve the right to nominate any suitable candidate of these communities and classes who possesses the requisite qualifications.

(ii) Yes.

Mr. PROMATHA RANJAN THAKUR: Sir, in the answer (a) and (b)(i) it has been stated that 15 per cent. of the total number of vacancies are reserved for members of the minority communities and backward classes in certain districts. Will the Hon'ble Minister be pleased to state whether any percentage has been fixed purely for the scheduled castes?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, this is one of those questions which I have answered more than once. These appointments have been made under the existing rules. Since the ministry took over office I have given an assurance that they will go into this question of percentages and when that is taken up the scheduled caste reservation will be separated from that of the backward and minority communities.

Mr. MONMOHAN DAS: Sir, in this answer it has been stated that a number of vacancies have been reserved for minority communities and backward classes in certain districts only. Will the Hon'ble Minister be pleased to state whether the Government consider the desirability of fixing the percentage for such appointments in all the districts of the province?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I have nothing further to add.

Cases against certain workers of trade union in Uluberia Court.

***506. Mr. SIBNATH BANERJEE:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*a*) how many cases have been instituted during the last 6 months under section 107, Criminal Procedure Code, on the workers of trade unions;

(*b*) whether it is a fact that in Miscellaneous Case No. 67 of 1937 in Uluberia Court, Abdul Qader, Bidhyt Neogy, Gani, Jahani, Gutuk Mondol and some others were bound down and asked to produce two securities of Rs. 150 each;

(*c*) whether they are in jail for over 5 months for their inability to produce the security; and

(*d*) whether the Government contemplate their release now unconditionally in view of the punishment they have already undergone?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information is being collected and will be supplied to the hon'ble member as soon as it is available.

Freight charges by the Pioneer Motor Service Company on the Narayanganj-Munshiganj-Serajdekhan line.

***507. Mr. MUHAMMAD ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state what are the maximum and minimum rates of passenger fare and freight charged by Joint Steamer Companies (India General Navigation and Rivers Steam Navigation) on the Narayanganj-Munshiganj-Serajdekhan motor service in the district of Dacca and the distances served by each of them?

(*b*) Is the Hon'ble Minister aware—

(*i*) that there is an Indian company named the Pioneer Motor Service Company which also run their launches between Dacca and Serajdekhan;

(*ii*) that the rate of fare between Dacca and Serajdekhan has been reduced considerably by the Joint Steamer Companies; and

(*iii*) that the Steamer Company has increased the freight charges on the Narayanganj-Munshiganj-Serajdekhan line?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the freight for a bicycle on the Narayanganj-Munshiganj-Serajdekhan motor service is 6 annas;

(*ii*) that the maximum passenger fare is below 5 annas;

(*iii*) that the minimum passenger fare is 1 anna only; and

(*iv*) that the freight charged by the Steamer Company on the Dacca-Serajdekhan motor service is 2 annas?

(*d*) What are the reasons for reducing the freight on the latter service?

(*e*) Is the Hon'ble Minister aware—

(*i*) that the high freight charged on the Narayanganj-Munshiganj-Serajdekhan service is causing hardship to the people of Vikrampur;

(*ii*) that the Subdivisional Officer of Munshiganj wrote to the Joint Agent at Narayanganj for bringing the freight on this service in line with that in the Dacca-Serajdekhan service; and

(*iii*) that the Joint Agent has refused to accede to the request made by the Subdivisional Officer of Munshiganj on behalf of the people of Vikrampur?

(*f*) Are the Government considering the desirability of taking steps in the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: Enquiries are being made and the answer will be communicated to the hon'ble member in due course.

Office of the Commissioner for Workmen's Compensation, Bengal.

***508. Mr. SIBNATH BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state—

(*i*) whether the present Commissioner for Workmen's Compensation, Bengal, is a senior and whole-time I.C.S. officer;

(*ii*) whether he also has to take up the Wages Act cases;

(*iii*) how many clerks has he and what are their scales of pay;

(*iv*) whether their scales of pay are less than those of other District Courts;

(*v*) has the Head Clerk to act also as cashier without any allowance and had he to deposit a large amount as security; and

(*vi*) has the Bench Clerk to act as interpreter also?

(*b*) Whether the Government contemplate making their scales of pay equal to those of district courts?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) The present Commissioner for Workmen's Compensation is a whole-time I.C.S. officer in the 14th year of his service.

(*ii*) Yes.

(*iii*) One Head Clerk on Rs. 80—4—140 *plus* special pay of Rs. 20 per mensem.

One Accountant on Rs. 80—4—140.

Two clerks on Rs. 35—35—40—2—68—3/2—80.

Four clerks on Rs. 35—35—40—4/2—68—3/2—80.

One typist on Rs. 45—5/2—70.

(*iv*) No.

(*v*) The Head Clerk is also in charge of the cash of the office for which no special allowance is granted him. He furnished security for Rs. 2,000, namely, Rs. 1,000 in cash and Rs. 1,000 in fidelity bond executed by a recognised insurance company.

(*vi*) There is no post of Bench Clerk in the office. One clerk acts as the Commissioner's Peshkar and works as an interpreter also, if and when necessary.

(*b*) See answer to clause (*a*) (*iv*).

Ganamangal Samity of Bogra.

***509. Babu NARENDRA NARAYAN CHAKRABARTY:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state when the Ganamangal Samity of Bogra founded by Srijut Jatindra Mohan Roy was declared an illegal institution?

(*b*) Is it still under ban?

(*c*) Is the Hon'ble Minister aware that the said Samity is a Socio-economical Institution, organised for the uplift of the masses socially and economically?

(*d*) Is it not a fact that the aims and objects of the said Samity are fundamentally one with that of Congress aims and objects?

(*e*) Does the Hon'ble Minister propose to lift the ban imposed on the Samity?

(*f*) If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) 12th January, 1932.

(*b*) Yes.

(*c*) to (*e*) No.

(*f*) It is apprehended that the activities for which the association was banned may be renewed.

Babu NARENDRA NARAYAN CHAKRAVARTY: মন্ত্রী মহাশয় কি জানেন যে সম্প্রতি গণ-মঙ্গল সমিতির উপর থেকে ban উঠিয়ে নেওয়া হয়েছে।

The Hon'ble Khwaja Sir NAZIMUDDIN: সেটা তো আমি জানি A mistake has been made in my reply (*b*). But then in that case if the ban has been removed the member should be happy but why should he grouse about it?

Babu NARENDRA NARAYAN CHAKRABARTY: বাঃ আপনিতো বেশ বাংলা জানেন। কথা হচ্ছে গণ-মঙ্গল সমিতি থেকে ban যে ওঠানো হয়েছে সেটা প্রশ্নোত্তর ছাপা হবার সময় জানছিলেন কিনা।

(No reply.)

Allegations against certain police officers of the Jalpaiguri district.

***510. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact—

(*i*) that a rice merchant named Panchanan Pande of Siliguri was mortally wounded on the 7th February last on Sevoke-Siliguri Road about 19 miles off from the Rajgunge thana of the Jalpaiguri district and made a dying declaration at Siliguri Hospital making certain allegations;

(*ii*) that investigating officers of the Rajgunge thana (Jalpaiguri district) arrested two forest guards of the Salugara Range and two Pahari Khalasis of the Darjeeling Himalayan Railway in this connection;

(*iii*) that there were witnesses at Siliguri in connection with the incident but they were never called up by the investigating officers to identify the assailants;

(*iv*) that the investigating officers made no enquiries in the town;

(*v*) that all who were arrested were subsequently let off on the final report submitted by the police; and

(*vi*) that the incident occurred out of an altercation due to an attempt to realise grazing taxes from carters who pass by the Kalimpong-Sevoke-Siliguri Road through Salugara Range of the Baikunthapur Forest?

(*b*) Is it a fact—

(*i*) that the Sevoke Government *hat* is gradually growing into importance;

(*ii*) that the *ijaradar* of the Salugara *hat* situated about 8 miles off and the Forest Department of the Salugara Range are realising tolls and grazing taxes for the last few months from the bullock and buffalo carts that pass by the Salugara *hat* along the Siliguri-Sevoke Road;

(*iii*) that the carters are resenting to pay these charges; and

(*iv*) that there were a number of altercations and the carters made oral complaints to the Subdivisional Officer, Siliguri?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information is being collected and will be supplied to the hon'ble member as soon as it is available.

Dr. NALINAKSHA SANYAL: With reference to the reply to this question I rise on a point of order. The reply is that the information will be supplied as soon as it is available. May we from this side of the House not expect that an opportunity should be given to the other members also to know what the reply is?

The Hon'ble Khwaja Sir NAZIMUDDIN: May I state that with reference to those questions in the Home Department in reply to which it has been stated that the information will be supplied to the hon'ble members as soon as it is available, I am prepared to agree to answer them on the first day of the next Assembly session and have them put down on the question paper?

Mr. SPEAKER: My difficulty is that under the present rules, all questions will lapse on prorogation. What I am prepared however is to see that in the next session these questions and answers will be circulated and placed on the table.

Allegations against certain Government officers of Dacca.

*511. **Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*i*) how many Government servants from how many departments of Government including those in the civil and criminal administration of justice serve on remuneration on every Saturday during race course season at the Dacca Gymkhana Races; and

(*ii*) whether it is a fact that all courts, civil or criminal, close down at 1 p.m. or some time before on every Saturday during race course period at Dacca?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, what does the Hon'ble Minister propose doing to remove inconvenience to the litigant public?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information is being collected and will be supplied to the hon'ble member as soon as it is available.

Conduct of police officers of the Faridpur district.

*512. **Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that a criminal case under sections 148 and 342, Indian Penal Code, being G. R. Case No. 403/14 of 1936, was started by the police against Badshai Manjhi and others in the year 1936 in the Court of the Subdivisional Officer of Madaripur in the district of Faridpur?

(*ii*) that the trying Magistrate found that the case was false and acquitted the accused; and

(*iii*) that in trying the issues raised in the said case the Magistrate found that one Akkelali Rahri brought that false case against the accused, that he seemed to be a man of desperate and dangerous character, that no impartial officer would recommend submission of charge sheet in that case, and that an unscrupulous man had been helped by the police to prosecute and harass some innocent men at Government expense?

(*b*) Has the attention of the Government been drawn to the fact that in the aforesaid case and also in cases, known as—(*i*) Chhaygaon

(Political) B. L. case, (*ii*) Naria (Political) B. L. case, (*iii*) Hogla-Kartikpur (Political) B. L. case, (*iv*) Sudhir Sen's case under Bengal Suppression of Terrorist Outrages Act, (*v*) Bhedarganj Double Murder case, (*vi*) Professor Heramba Chakrabarty's case, (*vii*) Shyam Lal Shah's case, (*viii*) Ananta Sarkar's case, (*ix*) Deb Narayan Choudhury's case, and (*x*) Hoshenpur Union Board Election case, tried by several courts in the district of Faridpur during the last few years, the conduct of many police officers of the district has been condemned and reflection cast on the police administration in the district by the judiciary?

(*c*) Has the Hon'ble Minister enquired into those judicial accusations against the police officers and police administration of the Faridpur district and also ascertained the total amount that the Government have spent in the prosecution of those cases?

(*d*) If so, what steps have the Government taken as a result of such enquiry?

(*e*) If not, is the Hon'ble Minister considering the desirability of holding an enquiry into the same with the object of punishing the culprits and improving the police administration in that district?

(*f*) If the answer to (*e*) is in the negative, will the Hon'ble Minister be pleased to state the policy of the Government in dealing with matters like the above?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) and (*ii*) Yes.

(*iii*) Yes. In declaring the case to be false the Magistrate did not, however, say that Akkelali Rahri was a man of desperate and dangerous character.

(*b*) Yes, in cases in which remarks on the conduct of the police were made.

(*c*) and (*d*) Enquiry where necessary has already been made before the present administration took office. An assistant sub-inspector of police was dismissed from the force. No separate account of expenditure incurred in these cases was kept.

(*e*) and (*f*) Do not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state in connection with his answer to questions (*c*) and (*d*) who are the officers who made this enquiry?

The Hon'ble Khwaja Sir NAZIMUDDIN: In one case, namely, the Chhayagaon case, the Deputy Inspector-General of Police made the enquiry. Mr. Gordon, as Mr. Biswas says. In the other cases I believe the enquiry was made by the Magistrates, Superintendents of Police and other senior officials.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether as a result of the enquiry the sub-inspector, namely, Kamaruddin, was dismissed?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think I have already answered that question. He was dismissed but re-instated by the Inspector-General of Police on appeal.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what are the reasons for his re-instatement?

The Hon'ble Khwaja Sir NAZIMUDDIN: The Inspector has the right of appeal before the Inspector-General of Police, and the Inspector-General of Police, in his capacity as a revising authority, went into the question and re-instated him.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether any action has been taken against Maulvi Badaruddin?

The Hon'ble Khwaja Sir NAZIMUDDIN: No.

Officers of the Intelligence Branch, Criminal Investigation Department, etc.

*513. **Mr. ABUL HOSAIN AHMED:** Will the Hon'ble Minister in charge of the Home Department be pleased to state the number of persons holding offices, district by district, in the Intelligence Branch, Criminal Investigation Department, District Intelligence Branch, and Protective Department in Bengal under the following heads:—

Officers.	Total.	Number of Caste Hindus.	Number of Scheduled Castes.	Number of Muslims.
Inspectors ..				
Sub-Inspectors ..				
Assistant Sub-Inspectors.				
Constables ..				

The Hon'ble Khwaja Sir NAZIMUDDIN: The information is being collected and will be supplied to the hon'ble member as soon as it is available.

Appointment of Scheduled Castes in the Bengal Civil Service.

*514. **Babu DEBENDRA NATH DASS:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) the number of members of the Scheduled Castes who have been successful in the last Bengal Civil Service (Executive); and

(*ii*) the principle on which these members were declared successful and given appointments?

(*b*) Is it a fact that no appointments were made from the Scheduled Castes for the last 8 years in the Bengal Civil Service (Executive)?

(*c*) If so, what were the reasons?

(*d*) Do the Government propose reserving a certain percentage of appointments for the Scheduled Castes?

(*e*) Is the Hon'ble Minister considering the desirability of adopting a policy of giving a larger number of appointments to the Scheduled Castes to make up for their non-appointment in the previous years?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) One; Babu Girindra Nath Mandal.

(*ii*) Nomination.

(*b*) No.

(*c*) Does not arise.

(*d*) and (*e*) The question of communal representation is under consideration.

Chief Whips of the Bengal Legislative Council and Assembly.

*515. **Khan Bahadur SYED ABDUL HAFEEZ:** Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state—

(*a*) whether it is a fact that Mr. Shahabuddin has been appointed Chief Whip of the Government in the Bengal Legislative Assembly and Mr. Meshbahuddin Ahmed in the Bengal Legislative Council;

(*b*) if so, when were these appointments made;

(*c*) what salary or salaries have been provided for the posts; and

(*d*) whether any provision was made for these salaries in the budget passed by the Assembly for 1937-38?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) In the capacity as Leader of the House and Leader of the Coalition Party, the Hon'ble Chief Minister has provisionally appointed Mr. K. Shahabuddin as the Chief Whip of the Government in the Bengal Legislative Assembly and Mr. Meshbahuddin Ahmed in the Bengal Legislative Council.

(*b*) These appointments were made in the beginning of this session.

(*c*) No salaries have been provided for the posts. These gentlemen have been working without any pay.

(*d*) Does not arise.

Recruitment of Police Sub-Inspectors from Scheduled Castes.

***516. Mr. DHANANJOY ROY:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state—

(*a*) whether there has been any direct recruitment of any sub-inspector of police from the Scheduled Castes of the Dacca district? If not, why not; and

(*b*) how many temporary or permanent sub-inspectors of police are there at present from the Scheduled Castes of the Dacca district?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information is being collected and will be supplied to the hon'ble member as soon as it is available.

Suicide of one Abhimanyu Patar of the village Courtgaon, Dacca.

***517. Nawabzada K. NASARULLAH:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware that one Abhimanyu Patar of Courtgaon, a suburb of the town of Munshiganj, police-station Munshiganj, in the district of Dacca, has recently committed suicide?

(*b*) If so—

(*i*) what were the reasons; and

(*ii*) whether it was his extreme poverty and starvation for which the man had taken the fatal step?

(*c*) Is the Hon'ble Minister aware that the widow and children of the deceased are still starving and living in a very pitiable condition?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister consider it desirable—

(*i*) to make an enquiry into the matter;

(*ii*) to help the starving family with money; and

(*iii*) to take precautionary measures in the future against such deplorable incidents anywhere in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information is being collected and will be supplied to the hon'ble member as soon as it is available.

Detenu Mr. Manindra Kishore Roy, M.A., B.L.

***518. Miss MIRA DUTTA GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state for how long is Mr. Manindra Kishore Roy, M.A., B.L., under detention?

(*b*) Where is he interned now?

(*c*) Is it a fact that he is suffering from blood pressure and insomnia for the last few years?

(*d*) What sort of treatment has he been receiving?

(*e*) What is the amount of allowance he is given?

(*f*) Names of daily newspapers and periodicals, if any, supplied by the Government for his use?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) From 4th September, 1930.

(*b*) In the district of Rajshahi.

(*c*) Government have no such information.

(*d*) Does not arise.

(*e*) Rs. 30 a month.

(*f*) Detenus can obtain newspapers or periodicals with the approval of the Superintendent of Police at their own cost.

Representation of Scheduled Castes in the Dacca University Court.

***519. Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state if there is any Scheduled Caste representative in the Dacca University Court or in the Dacca Intermediate Board of Secondary Education?

(*b*) If not, why not?

(*c*) Is there any stipendiary seat or seats or free-studentships reserved for the girls of the Scheduled Caste in Eden High School and Kamarunnessa Girls' School including their college branches at Dacca?

(*d*) If not, do the Government contemplate the desirability of doing so at an early date?

(*e*) The total number of free-studentships or college stipends in the Jagannath Intermediate College at Dacca for the last 5 years?

(*f*) How many of them are enjoyed by caste Hindu students, Muslim Students, and Scheduled Caste students?

The Hon'ble Mr. A. K. FAZLUL HUQ: I regret that it has not been possible to collect all the information necessary for an answer in this question.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. Would you rule that it will not be necessary for the member to repeat the question because the answer has not come?

Mr. SPEAKER: If the member wants to renew it, he can.

The Hon'ble Mr. A. K. FAZLUL HUQ: I will enquire into the matter.

Managing Committee of Mufassal High Schools.

***520. Mr. MD. BARAT ALI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that Muhammadan teachers are not elected members of the Managing Committee from among the teaching staff of the mufassal high schools owing to inadequate representation on the staff; and

(*ii*) that the guardians' representatives are not taken in an adequate number?

(*b*) If the answer to (*a*) is in the affirmative, is the Hon'ble Minister considering the desirability of amending the Education Code by making provision for the reservation of seats for Muhammadan teachers and guardians?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have not been able to verify this within the limited time, but I will have enquires made into the matter and also consider, if necessary, whether or not the suggestion contained in (*b*) can be accepted.

Extension of service granted to employees in the office of the Inspector of Schools, Dacca.

***521. Maulvi ABDUL LATIF BISWAS:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that frequent extensions of service are given to the employees in the office of the Inspector of Schools, Dacca Division?

(*b*) If so—

(*i*) how many in that office are at present on extension of service;

(*ii*) for how many times have they been in enjoyment of extensions; and

(*iii*) when will the term of their present extensions expire?

(*c*) Whether Government contemplate taking steps to prevent such extensions of service?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is regretted that the desired information could not be collected in time for the current session of the House.

Bengal Sanskrit Association Enquiry Committee.

*522. **Mr. ANUKUL CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether an enquiry committee was appointed with Dr. Narendra Nath Law as President regarding Bengal Sanskrit Association;

(*ii*) the time when the committee was appointed; and

(*iii*) whether the committee has submitted a report?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, what steps, if any, have been taken to give effect to the recommendations of the said committee?

(*c*) If no report has yet been submitted, what is the reason for this delay?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Yes.

(*ii*) December, 1936.

(*iii*) and (*b*) The committee submitted its report on 31st March, 1938, and during this short intervening period Government have not found it possible to take any action thereon.

(*c*) Does not arise.

Mr. ANUKUL CHANDRA DAS: Is it a fact that the Committee has reported that the Principal of the Sanskrit College should not be the ex-officio Secretary of the Sanskrit Association?

The Hon'ble Mr. A. K. FAZLUL HUQ: No report of the Committee has yet reached Government. The Committee submitted their report but it was referred back to them and it has not yet come back.

Grants to Royal Asiatic Society of Bengal.

*523. **Khan Bahadur Maulvi FAZLUL QUADIR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the number of grants-in-aid, both monthly and annual, paid to the Royal Asiatic Society of Bengal, Calcutta; and

(*ii*) the specific purposes for which these grants are made in each case?

(*b*) Whether it is fact that a major part of these grants has been diverted and used during the past several years for the general administration of the Society, and not for the specific purposes for which the grants were sanctioned?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state the steps taken to stop this?

(*d*) Whether it is also a fact that during the past few years the work of the Society for which the grants were sanctioned has been gradually deteriorating?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken in the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) and (*ii*) (1) Rs. 500 less emergency cut of 20 per cent. per month towards the publication of Oriental works and works on instruction in the Eastern language

(2) Rs. 250 less 20 per cent. per month towards the publication of Sanskrit works hitherto unprinted.

(3) Rs. 3,000 less 20 per cent. per annum towards the publication of Arabic and Persian works of historical interest.

(4) Rs. 3,600 less 20 per cent. per annum for research work in connection with the history, religion, usage and folklore of the Province of Bengal and its people.

(5) Rs. 3,200 less 20 per cent. per annum towards the conservation and publication of Sanskrit manuscripts.

(6) Rs. 2,000 less 20 per cent. per annum for expenditure on the publication of the Journal.

(*b*) As far as I am aware, the grants are utilised for the purpose for which they are given.

(*c*) and (*e*) Do not arise.

(*d*) This is a matter of opinion, and I have no information to that effect.

Khan Bahadur Maulvi FAZLUL QUADIR: Will the Hon'ble Minister be pleased to state whether any accounts have been submitted by the Society, and if so, whether the accounts are audited annually?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware, but I think periodical audits are made, but there is no hard and fast rule.

Introduction of free primary education in the Basirhat subdivision, 24-Parganas.

***524. Khan Bahadur A. F. M. ABDUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state when the Government propose to introduce free primary education in the Basirhat subdivision?

(*b*) Whether any attempt has ever been made to ascertain the views of the local people whether they are willing to pay education cess?

(*c*) If not, whether Government are considering the desirability of doing the same now?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The question of introducing free primary education in this subdivision as well as other places of the Province, where the Bengal (Rural) Primary Education Act, 1930, has not yet been put into force, is now under consideration.

(*b*) and (*c*) It is the policy of Government to move in the matter on the recommendation of the District Boards and the local members of the Legislative Assembly as representatives of the people concerned.

Managing Committee of the Edward Coronation Institute, Jiaganj, Murshidabad.

***525. Mr. M. FARHAD RAZA CHOWDHURY:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the newly reconstituted Managing Committee of the Edward Coronation Institution, Jiaganj, in the district of Murshidabad, is functioning without taking approval for the personnel of the reconstituted Managing Committee from the University of Calcutta?

(*b*) Will the Hon'ble Minister be pleased to state the reasons for not holding a fresh election for electing a representative of the interests of the guardians of the pupils after the disapproval of the first election?

(*c*) Is the Hon'ble Minister aware of a feeling of dissatisfaction amongst a section of the supporters of the school over the matter of not holding the election for one seat on the ground of delay and difficulty?

(*d*) Is the Hon'ble Minister considering the desirability of—

(*i*) taking steps in the matter; and

(*ii*) putting a stop to its recurrence in future?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no information about this, but I am having enquiries made and I will take such steps in the matter as will appear to be necessary on the result of the enquiries.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the election concerned took place as early as July, 1936, and after certain modifications in accordance with the school code the District Magistrate as well as the Department of Education approved of the election subject to one change on the 2nd December, 1936, and that the Committee is since functioning?

The Hon'ble Mr. A. K. FAZLUL HUQ: The statement made in the question is substantially correct.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that the gentleman whose name was removed at the suggestion of the Subdivisional Officer by the District Magistrate, the Department concerned also agreeing to the removal, was one who is directly concerned with something that is antagonistic to the interest of the Edward Coronation Institute, viz., that he is the Secretary of a minor school, which is trying to compete with this school?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am not aware of that.

Financial position of secondary institutions in Mymensingh.

***526. Khan Sahib HAMIDUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay a statement on the table showing for the district of Mymensingh—

(*i*) the number of secondary schools including high English, middle English, middle vernacular and junior and senior madrasahs; and

(*ii*) the number of such schools (class by class) that receive—

(1) Government grants, and

(2) grants from local bodies?

(*b*) Is it a fact that introduction of free primary education in the district has effected the financial position of all the secondary institutions?

(c) If the answer to (b) is in the affirmative, do the Government propose—

(i) to change the grant-in-aid rules for the district of Mymensingh; and

(ii) to supplement grants to those institutions?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) A statement is laid on the table.

(b) The introduction of free primary education in the district of Mymensingh has temporarily affected the financial position of secondary institutions in the rural areas only—more of the middle English schools and the junior and the senior madrasahs than of the high schools, but in most cases the financial loss will be to a great extent made up by reduction of the superfluous staff or by suitable grants from the District School Board funds.

(c) The position is being watched and the case of every aided school will be considered on its own merits, so that the difficulties, which are but temporary, may be tided over by relaxation of rules or by giving extra grants where necessary.

Statement referred to in the reply to clause (a) of starred question No. 526, showing the number of secondary schools in the district of Mymensingh.

Class of schools.	Government managed.	Government aided.	District Board managed.	District Board or Municipal aided.	Unaided.	Total number.
1. High English ..	2 + 1*	32	..	..	39 + 3*	73 + 4*
2. Middle English	..	19	8	65	41	133
3. Middle Vernacular ..	..	2	..	..	..	2
4. Junior Madrasahs ..	..	27 + 1*	..	35	8	70 + 1*
5. High Madrasahs	..	4	..	..	2	6
6. Senior Madrasahs (old scheme) ..	..	..	..	1	3	4
Total ..	2 + 1*	84 + 1*	8	101	93 + 3*	288 + 5*

*Girls schools.

Grants to certain Madrasahs in Mymensingh.

*527. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—how many madrasahs (*i*) junior and (*ii*) senior are there in the district of Mymensingh?

(*b*) How many madrasahs (*i*) junior, and (*ii*) senior are there in the subdivision of Tangail?

(*c*) How many of them get Government grant-in-aid?

(*d*) The amount of grant-in-aid each of them gets?

(*e*) Whether the Chonbari-Baghbari Junior Madrasah in police-station Tangail, Shahjani Junior Madrasah in police-station Nagarpur and Rampur Senior (old scheme) Madrasah in police-station, Kalihati get any grants-in-aid?

(*f*) If the answer to (*d*) is in the affirmative, how much each of them get?

(*g*) If the answer to (*d*) is in the negative, whether the Government are considering the desirability of allotting a grant-in-aid in each case?

(*h*) Are the Government considering the desirability of—

(*i*) increasing the grants-in-aid of the Barga Junior Madrasah (which is being raised to the senior grade), Dharesbari High Madrasah, Balla and Tangail Town Junior Madrasahs; and

(*ii*) granting a capital grant to the Barga, Dharesbari, Chonbari-Baghbari and Shahjani Madrasahs towards construction of their buildings?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is regretted that it has not been possible to compile the information desired within the time available.

I will consider the cases of the madrasahs named for suitable grants-in-aid capital and recurring as the case may be.

Creation of Wakfs in the Khas Mahal areas in Jalpaiguri.

*528. **Khan Sahib Maulana AHMED ALI ENAYETPURI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the Muslim tenants under the *khas mahal* areas in the district of Jalpaiguri are prohibited from creating any *wakf* of their property by an order of the Deputy Commissioner of the district?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table copies of such prohibitory orders with the reasons thereof?

(*c*) For how long will such prohibitory order remain in force?

(*d*) How many *wakfs* had to be cancelled owing to such orders?

(*e*) Whether the Government are considering the desirability of taking steps for the immediate cancellation of such prohibitory order?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) No general order has been issued by the Deputy Commissioner prohibiting the creation of *wakf* in the *khas mahal* areas of Jalpaiguri district.

(*b*) to (*e*) I am having further enquiries made.

Recruitment of Head Masters and Assistant Head Masters.

***529. Mr. HARENDRA KUMAR SUR:** Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he is considering the desirability of filling the vacancies -

(*a*) in the posts of Head Masters of Government high schools, normal schools and madrasahs by Assistant Head Masters who have been declared fit for promotion by the controlling officers for headmastership; and

(*b*) in the posts of Assistant Head Masters of Government high schools, normal schools, and madrasahs by Assistant Masters who have crossed the efficiency bar at Rs. 150 in the scale of Rs. 75—5—150—5—200 and who have been declared fit for promotion in the prescribed forms by the controlling officers for assistant headmastership in the scale of Rs. 150—10—200 after making a careful perusal of their records of service and having an interview with all the nominees whose names have been sent to the Director of Public Instruction by the controlling officers (Divisional Inspectors and Principals of Colleges) during the period of 1935 to 1937 for promotion by the Public Service Commission?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The claims of deserving Assistant Head Masters who are considered by the Public Service Commission as fit for headmastership are duly considered in cases of vacancies which are filled by promotion.

(*b*) The claims of deserving Assistant Masters who are considered by the Director of Public Instruction as fit for assistant headmastership are considered by him for promotion to such posts. The Public Service Commission is not concerned with such cases.

Mr. DHIRENDRA NATH DATTA: Is it a fact that the rule as embodied in the Bengal Educational Code, 1931, regarding the recruitment of headmasters has not been followed in making appointments, and if so, why?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not admit that the rules have not been followed, but the rules were departed from in certain cases and for reasons which I can give if specific cases are brought to my notice.

Mr. DHIRENDRA NATH DATTA: Is it not a fact that the rules have been modified——

Mr. SPEAKER: I think you are working under a misapprehension. The whole position is, that these rules were changed about the beginning of 1937, so these questions do not arise.

Mr. DHIRENDRA NATH DATTA: In answer to a question put by me yesterday, the Hon'ble Minister stated that the rules had been modified, and in answer to question No. 226 on the 17th March, 1938, the Hon'ble Minister was pleased to state that there were no such rules——

The Hon'ble Mr. A. K. FAZLUL HUQ: I said, there were no hard and fast rules. There were certain rules. And yesterday I pointed out that the rules of 1931 had been modified.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to refer to the answer given to question No. 226, namely, that there were no such rules? But is the Hon'ble Minister aware that according to the present rule, one appointment out of every five should be made by direct recruitment?

Mr. SPEAKER: The question does not arise.

Imposition of education cess on businessmen in Mymensingh.

***530. Mr. AMRITA LAL MANDAL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that a new kind of education cess is being imposed in the district of Mymensingh on businessmen in the rural areas?

(*b*) If so, what is the definition of business in rural areas?

(*c*) Are *manjhis*, carpenters, weavers, potters and barbers businessmen?

(*d*) Will every businessman irrespective of the amount of income be taxed?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) No. But a tax is being imposed on trade, business or profession in the district of Mymensingh in the rural areas under section 34 of the Bengal (Rural) Primary Education Act, 1930.

(*b*) Business is taken to have the same import as that attaching to the term business in rule 2, page 106 of the Union Board Manual, 1937.

(*c*) Yes, provided *manjhis*, carpenters, weavers, potters and barbers carry on their respective business.

(*d*) No tax is imposed on a man whose annual income is below Rs. 50 from trade, business or profession

Filling up of vacancies by Muhammadans in the office of the Inspector of Schools, Dacca Division.

***531. Mr. S. A. SALIM:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state -

(*i*) the number of temporary vacancies in the Inspector's office, Dacca Circle, fallen vacant during the year 1936-37; and

(*ii*) the number of them that have been filled by Muhammadans?

(*b*) Is the Hon'ble Minister aware that there were 16 vacancies but none of them have been filled by Muhammadans?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) 13 temporary leave vacancies occurred in the office of the Inspector of Schools, Dacca Division, during the year.

(*ii*) and (*b*) There are two leave reservists in that office. The question of filling up the leave vacancies by appointment from outsiders did not arise.

Mr. S. A. SALIM: In view of the fact that there are no Muhammadan clerks in the office of the Inspector of Schools, Dacca Division, will the Hon'ble Minister consider the desirability of appointing Muhammadans in future vacancies?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have already taken a note of this fact when I received the question.

Bhatiamari khal.

*532. **Mr. SIBNATH BANERJEE:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that the Bhatiamari *khal* used to flush an area of nearly 30 square miles including Bedakhali *bil;*

(*ii*) that the flow of this natural waterway of about 100 yards broad has been completely stopped by a dam and a raised embankment;

(*iii*) that this has adversely affected the productivity of thousands of *bighas* of land; and

(*iv*) that this has increased the ravages of malaria in this locality?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the Government was consulted before this waterway was stopped?

(*c*) Will the Hon'ble Minister be pleased to lay on the table the report of the Superintending Engineer on the subject?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) (*i*) The Bhatiamari *khal* used to flush an area of about 10 square miles.

(*ii*) The *khal* was wide. It has been completely blocked by the District Board by means of two bunds across its two upper arms.

(*iii*) Fertility of the soil in the area has decreased.

(*iv*) It is probable that the health of the locality will deteriorate as there is no flow of tides.

(*b*) and (*c*) No.

Extension of service to ministerial officers of the Education Department.

*533. **Mr. JASIMUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the present time—

(*i*) the names and designation of the ministerial officers of the Education Department (including offices subordinate to the Director of Public Instruction) with their pay, who have been granted extensions of service;

(*ii*) the date on which each of them attained the age of 55 years;

(*iii*) how many of these are—

(1) Mussalmans, and

(2) non-Mussalmans?

(*b*) Is the Hon'ble Minister considering the desirability of—

(*i*) taking steps to retire the officers concerned at an early date; and

(*ii*) facilitating promotion and appointment of the educated unemployed youths?

The Hon'ble Mr. A. K. FAZLUL HUQ: The information is not at present available, but I am having enquiries made. I may add that the policy of Government is to give extensions only in the urgent interest of public service.

Promotion of Assistant teachers and Assistant Head Masters.

***534. Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(*i*) that a number of teachers in the scale of Rs. 75—5—150—200 who have crossed the efficiency bar, have been declared fit for assistant headmastership in the scale of Rs. 150—10—250 in the prescribed form by the controlling officers (Divisional Inspectors and Principals of Colleges) and have been waiting for promotion for a long time; and

(*ii*) that a number of Assistant Head Masters in the scale of Rs. 150—10—250 have been declared fit for headmastership in the prescribed form by the controlling officers (Divisional Inspectors and Principals of Colleges) and have been waiting for promotion for a long time?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons why outsiders have been recruited in preference to the claims of the officers declared fit for promotion during the period 1930 to 1937 by the Divisional Inspectors and Principals of Colleges?

(*c*) Is the Hon'ble Minister considering the desirability of taking immediate steps—

(*i*) for promotion of the efficient teachers to the posts of the Assistant Head Masters in Senior Educational Service; and

(*ii*) for promotion of the efficient Assistant Head Masters to the posts of Head Masters of Government institutions?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) There are two reasons why outsiders were, in some cases, recruited in preference to service candidates. In the first place it was considered desirable to recruit competent young men to comparatively higher posts in the department and, secondly, the recruitment of more Moslems to the Educational Services made it necessary, in some cases, to make direct recruitment.

(*c*) The claims of suitable service candidates are very carefully considered.

Grievances of the copyists of the Registration Department.

***535. Babu NAGENDRA NATH SEN:** (*a*) With reference to answer to the unstarred question No. 202 given on the 20th September, 1937, will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state what steps have been taken to examine the question of grievances of the copyists of the Registration Department?

(*b*) Do the Government propose to increase—

(*i*) their number; and

(*ii*) the rate of remuneration payable to these copyists?

(*c*) Is there any prospect of these copyists being drafted into the permanent establishment of Government servants and entitled to the benefit of the provident fund and pension?

(*d*) With reference to the speech delivered on the 4th September, 1937, in the Bengal Legislative Assembly by the Hon'ble the Chief Minister during the discussion on the Budget Estimates reported at pages 1054-1055, Volume LI—No. 3, what, if any, action has been taken up till now?

(*e*) Has any report been received from the Inspector-General of Registration, Bengal?

(*f*) Is any action proposed to be taken now?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The question is still under consideration.

(*b*) Final decision has not been reached in these matters yet.

(*c*) All extra *muharrirs* or copyists cannot be taken into the permanent service of Government. But when there are vacancies in the permanent cadre, they are ordinarily filled up by appointment from among the deserving extra *muharrirs*.

(*d*) The matter is under consideration by the Inspector-General of Registration, Bengal.

(*e*) No. The matter is still under examination by the Inspector-General of Registration, Bengal.

(*f*) Does not arise.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*c*), why cannot a large number of copyists and muharrirs be taken on a permanent basis?

The Hon'ble Mr. A. K. FAZLUL HUQ: That depends on the number of vacancies to be filled up.

Rai HARENDRA NATH CHAUDHURI: My question is, why cannot these extra copyists and Muhammadans be placed on a permanent basis

The Hon'ble Mr. A. K. FAZLUL HUQ: I will consider whether this can be done.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*d*), how long will it be under his consideration?

Mr. SPEAKER: It is defficult for the Hon'ble Minister to answer that, and I hope you will not press this question at this fag end of the day.

Madrasahs in Pabna.

*536. **Mr. ABDUR RASCHID MAHMOOD:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay a statement showing for the present time—

(*a*) the number and names of the junior madrasahs in the district of Pabna;

(*b*) the number of them that get Government grant-in-aid; and

(*c*) the amount of grant-in-aid given to each of them?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) There are 14 reformed type junior madrasahs and one old scheme junior madrasah in the district of Pabna, viz.:—

(1) Pabna Islamia Junior Madrasah.

(2) Tarabara Junior Madrasah.

(3) Nakalia Narainpur Junior Madrasah.

(4) Talimnagar Junior Madrasah.

(5) Natiabari Junior Madrasah.

(6) Chinadhukuria Junior Madrasah.

(7) Shambhudia Junior Madrasah.

(8) Enayetpur Junior Madrasah.

(9) Ullapara Junior Madrasah

(10) Tamai Junior Madrasah

(11) Barahar Junior Madrasah.

(12) Beara Junior Madrasah.

(13) Krishnapur Girls' Junior Madrasah.

(14) Shahzadpur Junior Madrasah (unrecognised).

(15) Decreer Char Junior Madrasah (old scheme).

(*b*) Seven of reformed type get Government grant-in-aid.

(*c*) (1) Pabna Islamia Junior Madrasah—Rs. 30 per month.

(2) Tarabaria Junior Madrasah—Rs. 30 per month.

(3) Talimnagar Junior Madrasah—Rs. 30 per month.

(4) Shambhudia Junior Madrasah—Rs. 60 per month.

(5) Ullapara Junior Madrasah—Rs. 25 per month.

(6) Tamai Junior Madrasah—Rs. 30 per month.

(7) Barahar Junior Madrasah—Rs. 25 per month.

Education of Buddhists in Bengal.

***537. Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) what is the number of the Buddhists in the Province of Bengal;

(*ii*) whether he is aware that the Buddhists are backward in point of education; and

(*iii*) whether the Government are considering the desirability of making special provision for the education of the Buddhists?

(*b*) If the answer to (*a*) (*iii*) is in the negative, will the Hon'ble Minister be pleased to state the reasons therefor?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) 316,031.

(*ii*) Yes. The Buddhists are included in the list of educationally backward classes for the purpose of scholarships.

(*iii*) This matter will be considered by the proposed Special Officer for the education of backward classes.

(*b*) Does not arise.

Babu KSHETRA NATH SINCHA: Will the Hon'ble Minister be pleased to state whether the Buddhists, Jains, Mahisyas, etc., of backward classes will be partakers of five lakhs of rupees?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, that will be for scheduled castes.

Appointment of Chief Whips in Bengal Legislative Council and Assembly.

***538. Mr. SYED HASAN ALI CHOWDHURY:** Will the Hon'ble Chief Minister be pleased to state—

(*a*) whether it is a fact that Mr. Shahabuddin has been appointed Chief Whip of the Government in the Bengal Legislative Assembly and Mr. Mesbahuddin Ahmed in the Bengal Legislative Council;

(*b*) if so, when were these appointments made;

(*c*) what salary or salaries have been provided for the posts; and

(*d*) whether any provision was made for these salaries in the budget passed by the Assembly for 1937-38?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) They have been actually acting as Chief Whips and they were so appointed by me as Leader of the House.

(*b*) 18th March, 1938.

(*c*) They are doing the work on an honorary basis.

(*d*) No.

Grant-in-aid to the Darirampur High English School in Mymensingh.

***539. Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether Government used to pay annually a grant-in-aid to the Darirampur High English School under police-station Trisal in the district of Mymensingh?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the amount of the said annual grant?

(*c*) Is it a fact that the said grant-in-aid has been stopped?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reason for the stoppage; and

(*ii*) when and by whom the order was passed?

(*e*) Is it a fact that a memorial was presented to the Hon'ble Minister by the school authority as well as by the people of the locality praying for the restoration of the said grant-in-aid?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether the memorial was considered; and

(*ii*) if so, what was the decision thereon?

(*g*) Is it a fact that the Hon'ble Minister personally visited the said school in December last, to consider whether the said grant-in-aid may be restored to the said school?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Minister be pleased to state what decision has been arrived at after his visit?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*), (*c*) and (*e*) Yes

(*b*) Rs. 80 a month.

(*d*) (*i*) Poor roll strength and unsatisfactory results at the Matriculation examination.

(*ii*) In February, 1937, by the then Inspector of Schools after repeated warnings.

(*f*) (*i*) Is still under consideration of the Director of Public Instruction, Bengal.

(*ii*) Does not arise.

(*g*) I visited the school as I visit other educational institutions in the mufassal, to acquire first hand information of conditions generally.

(*h*) No decision has yet been taken.

Government and Government aided institutions in the Basirhat subdivision.

***540. Khan Bahadur A. F. M. ABDUR RAHMAN:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the present time—

(*a*) the number of educational institutions financed by Government fully or partially in the Basirhat subdivision;

(*b*) the amount of financial assistance in each case; and

(*c*) the number of Hindu and Mussalman boys in such institutions?

The Hon'ble Mr. A. K. FAZLUL HUQ: The information is given in the statement below:—

Number of educational institutions in the Basirhat subdivision.	Whether fully or partially financed by Government.	Amount of financial assistance.	Number of Hindu boys.	Number of Mussalman boys.
(1) Taki Government School.	Government managed.	....	242	24
(2) Basirhat High English School.	Government aided.	Rs. 135 and Rs. 92-8 (for Manual Training class).	410	94
(3) Punra B. K. M. P. Institution.	Ditto ..	Rs. 135 ..	136	29

Admission of students in the Kurigram Guru Training School, Rangpur.

***541. Mr. JATINDRA NATH CHAKRABARTY:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that about 90 candidates appeared at the last test examination for admission to 40 seats in the Guru Training School of Kurigram, district Rangpur?

(*b*) Is it not a fact that amongst the successful candidates in the said examination there were many Hindus including Scheduled Caste pupils?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state how many of the successful candidates were—

(*i*) Hindus including Scheduled Castes; and

(*ii*) Muhammadans?

(*d*) What were the respective positions of the successful candidates with their names in the said test examination according to merits?

(*e*) Is it a fact that selection of candidates is always made on the result of the test examination?

(*f*) Is it a fact that all the 40 seats in the said Guru Training School have been allotted to the Muhammadan candidates?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons as to why the Hindus and Scheduled Castes have been excluded from admission; and

(*ii*) whether the Hon'ble Minister is considering the advisability of enquiring into the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: I regret that it has not been possible to collect all the information for answer of this question in this session.

Lessees of holdings in the Kalimpong Development area.

***542. Miss MIRA DUTTA GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government are aware that lessees of holdings in the Kalimpong Development area are required under pain of resumption to keep their plots neat and clean?

(*b*) Whether Government have got *khas* lands known as roadside lands contiguous to these holdings which are never cleared and are full of jungles?

(*c*) Whether one Indian lessee saw a big snake in broad daylight on his path and communicated this to the Assistant Engineer, Public Works Department, in charge of these lands, but no action whatever was taken?

(*d*) Whether it is a fact that the same lessee applied for lease of the roadside lands in front of his holding to utilise the same for garden and other purposes and also keep them free of snakes and other poisonous creatures?

(*e*) Whether it is a fact that he has been refused under section 280 of the Bengal Crown Estates Manual, 1932, which runs as under—

"No fresh leases of such roadside lands should ordinarily be granted"?

(*f*) Whether it is a fact that these lands have been leased out to European lessees who hold lands under the same condition as the Indians?

(*g*) What are the reasons for such differential treatment between European and Indian settlers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) Government have such roadside lands. They are not always clear of jungle.

(*c*) Yes, but snakes are seldom seen in Kalimpong.

(*d*) An application for a lease of the area was received by the local Public Works Department Subdivisional Officer.

(*e*) The reason for the refusal is that these lands are now ordinarily leased only for the purpose of approach roads.

(*f*) No.

(*g*) There is no such differential treatment.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that an application was actually made to the Subdivisional Officer concerned by Mr. K. K. Datta Gupta for lease of the area and that was refused as per answer (*d*) where as per answer (*g*), Mr. Morgan, M.L.A., of this House and Mr. Odling of the Kalimpong Homes have been given similar permissions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Neither Mr. Morgan nor Mr. Odling has been given a lease.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state under what circumstances Mr. Morgan and Mr. Ordling have been given possession of certain portions of the roadside area?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: They did not apply for a lease. No lease was given. They have been given permission to plant trees and to beautify this part of Kalimpong, which Government consider is necessary in the interest of the development of Kalimpong.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is considering the desirability of giving Mr. K. K. Dutta Gupta similar permissions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government do not consider that Mr. Gupta will take the same interest as Mr. Odling or Mr. Morgan.

Dr. NALINAKSHA SANYAL:: Is the Hon'ble Minister aware that Mr. Dutta Gupta's house is one of the finest and most well-kept houses of Kalimpong and better than that of either Mr. Odling or Mr. Morgan?

Mr. SPEAKER: That question does not arise.

Percentage of Hindus and Moslems in Educational services and on study leave.

***543. Mr. ABDULLA-AL MAHMOOD:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the total number of officers (1) Hindus and (2) Muhammadans in class I, in Bengal Educational Service and Subordinate Educational Service; and

(*ii*) the number of Hindus and Muhammadans that were sent abroad on study leave till to-day?

(*b*) Will the Hon'ble Minister be pleased to state what action, if any, the Government have taken or do they propose taking to increase the number of Muslims?

The Hon'ble Mr. A. K. FAZLUL HUQ: It has not been possible to collect full information to answer this question. If the question is repeated next session, I shall endeavour to give an adequate reply.

Appointment of teachers in the free primary schools in Tangail subdivision.

***544. Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing for the Tangail subdivision—

(*i*) the percentage of the Muslim and non-Muslim population;

(*ii*) the number and percentage of the Muslim and non-Muslim teachers appointed for the free primary schools in—

(1) Tangail subdivision,

(2) Tangail Circle, and

(3) Kalihati Circle;

(*iii*) the personnel of the local education committee of—

(1) the Tangail Circle, and

(2) the Kalihati Circle; and

(*iv*) (1) the number of the old teachers that have been appointed;

(2) the total number of the old teachers; and

(3) the number of Muslim and non-Muslim old teachers separately—

(A) that have been appointed, and

(B) that have not been appointed?

(*b*) Are the Government considering the desirability of taking steps—

(*i*) to make appointments according to the population basis;

(*ii*) to increase percentage of old teachers; and

(*iii*) to give each of the old teachers who are not retained, a suitable gratuity?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) Muslims 72 and non-Muslims 28.

		Muslims.	Non-Muslims.
(*ii*) (1) Tangail subdivision	..	556	213
		72 per cent	28 per cent.
(2) Tangail Circle	..	120	58
		68 per cent.	32 per cent.
(3) Kalihati Circle	..	140	57
		72 per cent.	28 per cent.

(*iii*) (1) —

(1) The Subdivisional Officer, Tangail—*President (ex-officio)*.

(2) The Circle Officer, Tangail—*Member (ex-officio)*.

(3) The Subdivisional Inspector of Schools—*Member (ex-officio)*.

(4) Maulvi Ibrahim Khan, Principal, Karatia College—*Member*.

(5) The Sub-Inspector of Schools, Tangail, *Secretary (ex-officio)*.

(6) Maulvi Ebadat Khan—*Co-opted member*.

(7) Babu Anatna Kumar Roy—*Co-opted member*.

(*iii*) (2)—

(1) The Subdivisional Officer, Tangail—*President (ex-officio)*

(2) The Vice-Chairman, District Board, Mymensingh—*Member (ex-officio)*.

(3) The Circle Officer, Tangail or Gopalpur—*Member (ex-officio)*.

(4) The Subdivisional Inspector of Schools, Tangail—*Member*.

(5) The Sub-Inspector of Schools, Kalihati—*Secretary (ex-officio)*.

(6) Maulvi Amirudin Choudhury, B.L.—*Co-opted member*.

(7) Babu Jnanendra Nath Guha Ray—*Co-opted member*.

(*iv*) (1) 657.

(2) 1,026.

(3) (A) Muslims 471 and non-Muslims 186.

(B) Muslims 287 and non-Muslims 70.

(Twelve are probably in the waiting list: definite information has not been received as yet.)

(*b*) (*i*) The appointments have been made by the District School Board, Mymensingh, according to the population basis as will be seen from the percentage of the Muslim and non-Muslim teachers appointed for free primary schools in the Tangail subdivision.

(*ii*) and (*iii*) The District School Board, as an autonomous body, is the authority to appoint teachers and give them gratuities. Government do not think it desirable to issue any special instructions to a particular District School Board on the subject.

Staff of the 24-Parganas Collectorate.

***545. Mr. JASIMUDDIN AHMED:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state the name and home (native) addresses of clerks and peons appointed in the 24-Parganas Collectorate during the year 1936-37?

(*b*) Whether non-district people were taken in?

(*c*) If so, why?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A statement is laid on the table.

(*b*) Yes.

(*c*) There is no rule prohibiting the appointment of qualified people who do not belong to the district.

Statement referred to in the reply to clause (a) of starred question No. 545.

Name.	Home (native) address.
Clerks.	
1. Babu Rakhal Krishna Bose	Routhbhog, Dacca.
2. Babu Indramohan Chatterjee	Ichhapore, Dacca.
3. Babu Rabindra Nath Ghose	Boral, 24-Parganas.
4. Babu Sib Chandra Razak	Rangree, Rajibpore, 24-Parganas.
5. Maulvi Rostam Ali	Dholahat, 24-Parganas.
6. Babu Promotha Nath Banerji	Koyar, Burdwan.
7. Babu Hari Pada Chatterjee	Panjia, Jessore.
Peon.	
1. Abdur Rahman Miah	Ratoil Kasiani, Faridpur.

Atia Forest in Tangail.

*546. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether the Atia Forest in Tangail belongs to private landlords?

(*b*) Whether it has been declared a reserved or protected forest under the Indian Forest Act by the Government of Bengal?

(*c*) If so, when?

(*d*) What is the income of the Government from this forest?

(*e*) What is the amount of the expenditure of the Government for the maintenance of the staff at Baheratail with respect to the Atia Forest?

(*f*) Whether it is a fact that a number of cases were instituted in connection with the forest concerned and the declaration was declared invalid by the Hon'ble High Court a few years ago?

(*g*) Are the Government considering the desirability of withdrawing the declaration of protection or reservation of the Atia Forest, as the case may be, at the earliest opportunity?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) Yes.

(*b*) and (*c*) Originally the forest was declared as a protected forest under the Indian Forest Act in 1925 and then as a reserved forest in 1928 under the same Act.

(*d*) Income of Government is only 5 per cent. of the profit.

(*e*) Nil.

(*f*) Only one case went up to the High Court on appeal against the conviction of the party and the Hon'ble High Court dismissed the appeal.

(*g*) No.

Babu SANTOSH KUMAR BASU: With regard to the answer (*f*) "only one case went up to the High Court on appeal against conviction of the party and the Hon'ble High Court dismissed the appeal," is the Hon'ble Minister aware that in this case there was a conviction by one of the Magistrates in Tangail and the sentence was of three months' imprisonment which was converted to a fine of Rs. 250 by Mr. Lodge, the Sessions Judge of Mymensingh, and on the High Court being moved, the accused was admitted and the appeal was not dismissed as stated in this answer?

The Hon'ble Mr. PRASANNA DEB RAIKUT: No, Sir.

Mr. SPEAKER: Mr. Basu, your question, I think, is that there was another case.

Mr. SANTOSH KUMAR BASU: No, Sir. There was only one case which went up to the High Court. In that case I am challenging and asking the Hon'ble Minister whether he sticks to the answer that the appeal was dismissed whlie on the other hand the appeal actually succeeded and the accused was acquitted. Is it not a fact?

The Hon'ble Mr. PRASANNA DEB RAIKUT: That is my information.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to enquire whether that information is correct or incorrect?

The Hon'ble Mr. PRASANNA DEB RAIKUT: Yes, Sir.

Mr. SARAT CHANDRA BOSE: Has the Hon'ble Minister perused the judgment himself?

(No reply.)

Sahas Bil, Murshidabad.

***547. Mr. KIRIT BHUSAN DAS:** (*a*) Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state whether it is a fact—

(*i*) that in May, 1936, the Collector of Murshidabad forwarded a petition from the villagers of Teghari Union Board under police-station Raghunathganj with enclosures outlining proposals for the drainage of the Sahas *bil* with a view to bring in more lands under cultivation to Mr. Mansing, Executive Engineer, Nadia Rivers Division;

(*ii*) that the said Executive Engineer estimated Rs. 4,560 including preliminary expenses for survey to prepare the scheme as approximate cost for the said purpose; and

(*iii*) that a report from the Collector as to whether the interested parties will pay the estimated cost was asked by the said Engineer whereupon the parties, actual tillers of the area having main interest therein, filed further petition with a statement of their inability to pay under the present economic distress of the Province?

(*b*) Are the Government considering the desirability of subscribing partly and recommending the District Board for the payment of the balance with the total exemption from any liabilities of payment by the actual tillers of the area at the preliminary stage of the work?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Yes.

(*b*) No, since the 114 interested parties have intimated that they will not pay the estimated cost, it appears that the demand for the scheme is not keen.

Point of Privilege.

Dr. NALINAKSHA SANYAL: Sir, before you adjourn the House may I draw your attention to one important matter of privilege. Sir, you are aware and the House is aware that a Rules Committee was appointed, and that Rules Committee for some time past handed over the draft report it has prepared, and the Rules Committee has gone into the question very thoroughly. I propose, Sir, that pending the acceptance of these rules in the House you might be pleased to direct that so far as the business of this House in future sessions is concerned, so long as that rule is not actually adopted, we may conduct the business according to the new rules and not according to the old rules?

Mr. SPEAKER: There ought to be a resolution to the effect, but there is no objection to that, namely, pending the acceptance of these rules formally by this House wherein everybody will get opportunity, this House can approve these rules tentatively for the next session at least.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I doubt very much if that is legally possible. I would request you to look into this question, and if necessary it may be brought in the next early session.

Mr. SPEAKER: My difficulty is this that these rules must come into operation either at the end of the session or before the session, because it means it affects the notice. But personally I do not see any objection, because the House is the ultimate authority to decide as to whether these rules can be accepted or not, and it is open to the Speaker to accept even a short notice motion. So, if the Government has no objection, there will be no legal objection on that score.

Mr. ABDUR RAHMAN SIDDIQI: Sir, we shall be setting a very bad precedent, and any Government, this or some other Government, later on will make use of this with its majority and the will of the individual members will be crushed. Either we carry on things according to the rules or we do not. These make-shift arrangements are not in keeping with the dignity of the House.

Mr. SANTOSH KUMAR BASU: May I just say one word? While absolutely appreciating the intention of Dr. Nalinaksha Sanyal to facilitate the progress of business under the new rules, may I just point out that it is not the right course to adopt in trying to make short-cuts with rules of procedure, because the House functions under those rules and the rights of members and minorities are protected under those rules?

Mr. SPEAKER: I think in that view the idea may be abandoned.

I have just a few words to make in bringing this Budget Session to a close and I feel that I should make some observations on some of the points which were raised during the session.

First of all there have been complaints about the library administration. I have fully gone into this matter and I think that I should take the House into confidence and say that at present I find that the books are kept not merely in the library, but in about 20 different rooms all over the building owing to the lack of space in the library itself. The result is that these books are kept in the rooms of Hon'ble Ministers and rooms in the upstairs. These rooms are at a pretty good distance from the library itself. The result is that if more than two or three books are requisitioned, and if they are in different rooms, then practically the entire available staff have to go to different rooms to get out these books. It will also be realized that the library staff cannot always have easy access inside the rooms of Hon'ble Ministers especially when they are engaged in private interviews or conversation, or other rooms where others sit. The result is inevitable delay, and I have therefore very carefully gone into this matter, and I feel the only remedy to this state of affairs is to bring all the books in the library itself. At present there is no space in the library for all the almirahs, and the only alternative is the construction of steel racks and wooden racks, to which I think all the books should be transferred. I am approaching Government almost immediately with a view to sanctioning necessary amount of money for the construction of steel and wooden racks, and I hope the matter will be expedited before the next session begins, so that within the time which we have got we may have all the books transferred to the library so that the legitimate complaints of the members may be met.

The next complaint is of Mr. Abdur Rahman Siddiqi, the one which was brought to the notice of the Hon'ble the Home Minister, who probably could himself realise it only yesterday. That is the question about our cooling plant. I think, as a result of our experience of two sessions, I must say that the cooling plant should be strengthened as otherwise it will not meet the needs of the situation. Last time I examined the question with the experts of the department and they were in favour of giving the cooling plant a trial. We had the trial of two successive sessions and we are now in a position to say that something should immediately be done before the next session begins, so that we may not have the same complaint about the cooling plant.

The next matter is one to which I would draw the special attention of the Government, because repeated complaints have been made to me, and I think, in all fairness to the members, it is my duty to bring this to notice. It is about the entrance to the lounge which the members have seen. With a view to suit the convenience of the members, we have made arrangements for their sitting there, but the contrast of no fans immediately after they come out of the Chamber with the cooling plant is such that we can feel and realise the difficulty of the members, and regarding this I wrote to Government some time back and I hope some steps would be taken at an early date to place fans in the lounge. These are matters which I did not like to bring in the midst of the session but now because the session is closing, I thought this is a matter which before the next session comes, should be rectified.

There are one or two other matters which I think I may mention. It is about the accommodation of the motor cars and particularly about a shed for the chauffeurs who number 150, and it is almost cruel, it is cruelty to man, to allow these people to suffer in the scorching heat of the sun and from storm, etc., during the sessions. And I feel this is a matter about which some temporary steps at least should be taken before the next session begins. I myself have already felt it. And so far as drinking water is concerned, I am making adequate arrangements from the next session for the chauffeurs and other staff who come with the members. To me it is a very great distress to find that they have to go during their long hour's stay, without being able to get drinking water in this heat, and I did very much feel the need and told them that I would take definite steps in the matter.

As regards some other complaints I will personally look into them. And before I bring the matter to a close, I will say just one remark which I did not say so long, that is, I hope the members will remember that during the budget session we have tried to lay the foundation of

some constitutional conventions for the future. For the information of the members I might say that I made enquiries from four major provinces, and I find that in United Provinces the cut motions are arranged accrding to the budget sub-heads in the order of their receipt. No preference is given to any party in moving cut motions. In Bombay similarly, motions are arranged under each major head in the order in which the major heads appear in the budget and under each major head the motion are arranged in the order in which they are received without any priority of place. (Dr. NALINAKSHA SANYAL: We live to learn.) In Madras neither the Opposition nor the other parties are allowed to choose their motion. The motions are arranged in the following order—first censure motions, next motions of criticism, and then general discussion of policy and afterwards motions relating to items in the order in which they appear in the budget, and substantive cuts come last. And under each category only motions by party leaders, only the actual Party Leaders are given preference, nothing more than that. In the Punjab, motions relating to the budget items are put first, the largest reductions appearing first, the smaller ones next and so on in a descending order according to the magnitude of the cut motion. Therefore, I am sure that members will appreciate and realise that in giving preference to the Opposition and to the other parties allied to the Opposition, and in the system of allowing all parties to make a choice of their motions irrespective of their place in the budget estimate, our budget discussion has been more lively and real in every sense of the term. If year after year the same item which comes first is brought up first, the discussions are likely to degenerate, and as a result living issues will always be lost sight of. And I think we have been the pioneers in this respect to set it out, and I hope the House will realise it.

In this connection and in conclusion I must express my deepest sense of appreciation of the willing assistance which I have always received from the Leaders of the Opposition, the Leader of the House and the Leaders of the different parties and groups, and for the cordial manner in which they have agreed to the many conventions which we have tried to set up in this House. We are still in the early stage and the little that we have been able to achieve is entirely due to the unstinted support which you have given and the cordial manner in which you have agreed to these conventions.

I think I will speak one word about the sense of my appreciation on your behalf, of the manner in which the staff of the Assembly Department has been overworking ungrudgingly day after day, and I know on most of the days they had to work from morning till midnight with a view to cope with the situation (Dr. NALINAKSHA SANYAL: You do not include the Sergeants!) and I am sure you wil cordially agree to record our sense of appreciation for the services rendered by

them, especially during the rush season and I am sure the members will appreciate the promtitude with which we have been printing and circulating the agenda papers and the proceedings of the House. I must thank you for the great help and assistance given in an unstinted manner. I have always tried to be of service to the House and I hope my humble service has been of some assistance to the House.

Mr. ABDUR RAHMAN SIDDIQI: What about the accoustics?

Mr. SPEAKER: Yes, I am taking up the matter of accoustics. I forgot to tell you one thing. The accoustics are no good. The matter has been referred to the expert officers of the department and in between the sessions, I hope some definite steps will be taken to set right the defect before the next session begins.

The Hon'ble Mr. A. K FAZLUL HUQ: Before we disperse may I have your leave to say a few words in appreciation of the uniform courtesy which we have received from you during the debates in this session. You have been, Sir, uniformly polite, courteous and at the same time eager to uphold the rules and discipline in this House. And, Sir, at this moment when we are all dispersing after a very strenuous session it is but meet and proper and that we offer you our sincerest thanks for all the help and co-operation that we have received. Personally and on behalf of my colleagues in the Cabinet, I also offer our sincerest thanks to all the groups in this House for having been able to bring this session to a termination after two months of strenuous sitting. Sir, we now part in the best of spirits and I hope even when we meet next we will meet with the same good feelings (Mr. SANTOSH KUMAR BASU: We shall meet at Phillipi) animating all of us trying to serve the best interest of the country.

Mr. SARAT CHANDRA BOSE: Sir, I also join in the congratulation and appreciation offered to you and so far as lies in our power, speaking on behalf of the Congress party, we shall make every endeavour to make the debates in the House real and living and to give you all the support. I thank you.

Mr. M. SHAMSUDDIN AHMED: Sir, on behalf of the party which I represent (laughter from the Coalition benches)—there is nothing to laugh at—I offer you our sincere and hearty congratulation. I agree with you, Sir, really we take pride in the fact that we have been able under your guidance to create precedents during the budget debates like, as you have cited, the precedents of Madras and all other

provinces. Therefore, for the assistance you have given to all the parties in this House in conducting the deliberations in the House and for the facilities given to the different parties and groups, Sir, take our sincerest and heartiest congratulations on the achievement you have made as Speaker of this House.

Sir GEORGE CAMPBELL: On behalf of my party I wish to add my tribute to those who have spoken of the successful way in which the Speaker has conducted a very difficult session, and I hope we will all come back thoroughly refreshed, particularly the Ministry, and fully able to stand the strain of supplementary questions asked by my good friend, Dr. Nalinaksha Sanyal.

Mr. HEM CHANDRA NASKAR: Sir, I congratulate you heartily.

Prorogation.

Mr. SPEAKER: I have it in command from His Excellency the Governor that this Assembly stands prorogued.

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